

OFFICIAL REPORT OF PROCEEDINGS  
BEFORE THE  
NATIONAL LABOR RELATIONS BOARD  
REGION 10

In the Matter of:

Amazon.com Services LLC, Case No. 10-RC-269250

Employer,

and

Retail, Wholesale and  
Department Store Union,

Petitioner.

---

---

Place: Atlanta, Georgia (via Zoom Videoconference)

Dates: December 18, 2020

Pages: 1 Through 173

Volume: 1

OFFICIAL REPORTERS  
eScribers, LLC  
E-Reporting and E-Transcription  
7227 North 16th Street, Suite 207  
Phoenix, AZ 85020  
(602) 263-0885



UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 10

In the Matter of:

AMAZON.COM SERVICES LLC,

Employer,

and

RETAIL, WHOLESALE AND  
DEPARTMENT STORE UNION,

Petitioner.

Case No. 10-RC-269250

The above-entitled matter came on for hearing via Zoom videoconference, pursuant to notice, before **KERSTIN MEYERS**, Hearing Officer, at the National Labor Relations Board, Region 10, 233 Peachtree Street, N.E., Harris Tower Suite 1000, Atlanta, Georgia 30303-1531, on **Friday, December 18, 2020, 11:26 a.m.**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S

**On behalf of the Employer:**

**HARRY I. JOHNSON, III, ESQ.**  
**NICOLE A. BUFFALANO, ESQ.**  
**GEOFFREY J. ROSENTHAL, ESQ.**  
MORGAN, LEWIS & BOCKIUS, LLP  
2049 Century Park E., Suite 700  
Los Angeles, CA 90067-3109  
Tel. (310)255-9005  
Fax. (310)463-0939

**On behalf of the Petitioner/Union:**

**GEORGE N. DAVIES, ESQ.**  
**RICHARD P. ROUCO, ESQ.**  
QUINN, CONNER, WEAVER, DAVIES AND ROUCO, LLP  
2-20th Street, North, Suite 930  
Birmingham, AL 35203-4014  
Tel. (205)870-9989

**JOSH BREWER**  
RETAIL, WHOLESALE, AND DEPARTMENT STORE, LOCAL 932  
1901 10th Avenue, South  
Birmingham, AL 35205-2601  
Tel. (205)322-7462

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

# I N D E X

## WITNESS

## DIRECT

## CROSS

## REDIRECT

## RECROSS

## VOIR DIRE

Travis Maynard

33



E X H I B I T S

<u>EXHIBIT</u>	<u>IDENTIFIED</u>	<u>IN EVIDENCE</u>
<b>Board:</b>		
B-1 (a) through 1 (k)	6	6
B-3 (a) , 3 (b)	6	9
B-2	11	16
B-4	18	19
B-5	18	19
B-6	18	19
B-7	170	171
<b>Employer:</b>		
E-1	87	91
E-2	91	97
E-3	97	100
E-4	101	104
E-5	104	109
E-6	109	115
E-7	119	119
E-8	119	129
E-9	120	123
E-10	123	125
E-11	126	126

1                                    P R O C E E D I N G S

2                    HEARING OFFICER MEYERS:    The hearing will be in order.  
3                    This is a formal hearing in the matter of Amazon.com Services,  
4                    LLC., case Number 10-RC-269250 before the National Labor  
5                    Relations Board.    The Hearing Officer appearing for the  
6                    National Labor Relations Board is Kerstin Meyers.    The bailiff  
7                    for the NLRB is Kami Kimber.

8                    All parties have been informed of the procedures at formal  
9                    hearing before the Board by service of a description of  
10                    procedures and certification and decertification cases with the  
11                    notice of hearing.    I have additional copies of this document  
12                    for distribution if any party wants more.

13                    Will Counsel please state their appearances for the  
14                    record?    For the Petitioner, Mr. Davies.

15                    MR. DAVIES:    Yes, Madam Hearing Officer.    George Davies.  
16                    And with me is Richard Rouco, and Joshua Brewer, who is the  
17                    Union/client representative.

18                    HEARING OFFICER MEYERS:    Thank you.    And for the Employer,  
19                    Mr. Johnson.

20                    MR. JOHNSON:    Thank you, Madam Hearing Officer.    For the  
21                    Employer, I'm Harry Johnson, and with me is Nicole Buffalano  
22                    here and Geoff Rosenthal.

23                    HEARING OFFICER MEYERS:    And does the Employer have a --  
24                    anybody on the line that you would like to designate?

25                    MR. JOHNSON:    Jen Sova (phonetic) is our client (audio

1 interference).

2 HEARING OFFICER MEYERS: Thank you. Are there any other  
3 appearances? Let the record reflect that there are none. Are  
4 there any other persons, parties, or labor organizations in the  
5 hearing room who claim an interest in this proceeding?

6 Let the record show there was no response.

7 I now propose to receive the formal papers. They have  
8 been marked for identification as Boards Exhibits 1(a) through  
9 1(k), inclusive, 1(k) being an index and description of the  
10 formal -- the entire exhibit. The exhibit has already been  
11 shown to all parties. Are there any objections to the receipt  
12 of the exhibits into the record?

13 MR. DAVIES: No objections from the Union.

14 HEARING OFFICER MEYERS: Any objection from the Employer?

15 MR. JOHNSON: No. No objection from the Employer.

16 HEARING OFFICER MEYERS: Thank you. Hearing no  
17 objections, the formal papers are received in evidence.

18 **(Board Exhibit Numbers 1(a) through 1(k) Received into**  
19 **Evidence)**

20 HEARING OFFICER MEYERS: In addition, the parties have all  
21 stipulated to the admission -- or they have not stipulated to  
22 the admission of -- in addition, the Board has distributed  
23 Board's Exhibits 3(a) and 3(b). 3(a) being the Employer's  
24 statement of position submitted in this matter. 3(b) being the  
25 Union's statement of position, along with all attachments

1 thereto.

2 Are there any objections to the receipt of 3(a) and 3(b)?  
3 For the Employer?

4 MR. JOHNSON: On behalf of the Employer, we would  
5 partially object to the extent that the list attached to 3(b),  
6 we believe, would be covered by Board Exhibits 6 and 7. We  
7 would request they not be put in the public exhibit file.  
8 Thank you.

9 HEARING OFFICER MEYERS: At this point in time, it has not  
10 been submitted to the court reporter.

11 Kami, have we submitted that, 3(a) and 3(b)?

12 MS. KIMBER: I don't believe we sent anything to the court  
13 reporter yet.

14 HEARING OFFICER MEYERS: Except for the formal papers.

15 MS. KIMBER: Okay. I'll -- I'll make a note of that and  
16 do that.

17 HEARING OFFICER MEYERS: So -- while your objection is  
18 noted, as we've previously discussed, the designation of  
19 protected class material that would be received, essentially,  
20 you're asking me to receive it under seal. I've reviewed the  
21 documents in question, which are the attachments to the  
22 Employer's statement of position.

23 Does the Union have a response before I make a ruling?

24 MR. DAVIES: No, we have no objection to the admission of  
25 position statements and their attachments. We believe that you



1 are correct in your recitation of what is PII. They should all  
2 come in.

3 HEARING OFFICER MEYERS: Okay. The list includes the  
4 names of employees and their designated locale, which is the  
5 best from their facility and their shift. I have reviewed what  
6 the Board and the Court's considered to be personal identifying  
7 information. Names are not -- are not generally considered PII  
8 unless they are accompanied by other PII, which would  
9 identify -- which would provide -- provide more information  
10 than simply the name.

11 Under the circumstances, I don't believe that the  
12 information included in the attachment to 3(a) is PII, and I am  
13 going to receive them over the objection of the Employer.  
14 Although they have obviously include -- they obviously already  
15 include, as the parties are aware, the Employer's FOIA  
16 designation.

17 Again, that is the FOIA department of the Agency will make  
18 a determination as to whether or not those are producible under  
19 FOIA, and as part of our procedures. The Employer would  
20 receive notice prior to release of those since they have  
21 designated them as exempt -- as exempt under Sections 4(a) --  
22 or as the Employer has already designated them as FOIA exempt,  
23 and at that time, we can address whether or not they should be  
24 relieved.

25 So I am going to, over the objections, receive 3(a) and

1 3(b) .

2 **(Board Exhibit Numbers 3(a) and 3(b) Received into Evidence)**

3 HEARING OFFICER MEYERS: We also have -- let me first ask,  
4 are there any motions to intervene in this proceeding to be  
5 submitted to the Hearing Officer for ruling by the Regional  
6 Director at this time? Let the -- the record reflect there are  
7 no responses.

8 Are there any other pre-hearing motions made by the  
9 parties that they need to be -- that need to be addressed at  
10 this time?

11 Mr. Johnson, can you please state for the record the  
12 Employer's position on its petition to quash and its response  
13 to the subpoenas?

14 MR. JOHNSON: Well, we would stand by our petition to  
15 revoke in terms of the subpoenas. We had made a production.  
16 As of the item, I know it was five minutes ago or ten minutes  
17 ago, it is a few hundred pages long. I would suggest that the  
18 Union have a chance to review it before we determine, you know,  
19 where to go on here.

20 HEARING OFFICER MEYERS: Okay. And does the Union have a  
21 record response to the petition to revoke?

22 MR. DAVIES: Yes, Madam Hearing Officer. I -- I take it  
23 until we see the documents, we won't know -- because we know  
24 that they're making a partial production, but until we see and  
25 review the documents, I think we need to reserve any further

1 response until we see. We may be satisfied with what they  
2 produce and -- and we can move on, but we may -- we may need to  
3 bring it back before you if there are issues.

4 HEARING OFFICER MEYERS: Okay.

5 MR. DAVIES: Remaining issues.

6 HEARING OFFICER MEYERS: Okay. I'm going to reserve  
7 ruling on the petition to revoke at this time. And as it  
8 becomes relevant and if the Union raises it, we will delve  
9 deeper into the petition to revoke at that time.

10 Are there any other pre-hearing motions made by any party  
11 that need to be addressed?

12 MR. JOHNSON: Can I ask just one thing, Madam Hearing  
13 Officer? I still don't have that email, so if we are going to  
14 work on an acceptable agreement and protective order, maybe you  
15 could just resend it?

16 HEARING OFFICER MEYERS: I think -- oh, because it keeps  
17 giving me the warning that there should be an attachment, but  
18 there isn't an attachment. It should have gone now. Hopefully  
19 I've managed to -- I have mastered the emailing at this point.  
20 My apologies. It was just sent.

21 MR. JOHNSON: All right. And let me just send it out.  
22 Unfortunately, this is all real time on the record, so  
23 hopefully all of it sends, too, so we can have somebody help  
24 out on that. All right. It is out.

25 HEARING OFFICER MEYERS: Okay. And then let me open up

1     what's previously been shown to the parties and marked as  
2     Board's Exhibit 2, which is a stipulation. I am going to send  
3     that out to the parties with paragraph 7 removed. And then we  
4     will go through this quickly on the record and have you attest  
5     that you agree and we can -- we'll sign it at the first break.

6             MR. JOHNSON: You know, I actually think I can do the 1215  
7     numbers if that's okay with you.

8             HEARING OFFICER MEYERS: Okay.

9             MR. JOHNSON: I think I just got word on that, so --

10            HEARING OFFICER MEYERS: Okay. Were my numbers correct?

11            MR. JOHNSON: Let -- you know what, we're going to have to  
12     do this during a break because the number --

13            HEARING OFFICER MEYERS: Okay.

14            MR. JOHNSON: I also have some fulfillment associates'  
15     numbers I have to fill in, so maybe we should just --

16            HEARING OFFICER MEYERS: Do that separately?

17            MR. JOHNSON: -- put paragraph -- right.

18            HEARING OFFICER MEYERS: We can do that as a separate  
19     stipulation, so that's not a problem. So I am now sending this  
20     out to the parties. And with the parties' permission, can I  
21     send it directly to Mr. Johnson and Mr. Rouco -- or to Mr.  
22     Davies and --

23            MR. JOHNSON: That's fine with me.

24            MR. DAVIES: That's fine. Are you sending it by email?

25            HEARING OFFICER MEYERS: I am sending it by email. You

1 gentlemen will pull those up once you get it and then we will  
2 go through that on the record. You guys got it?

3 MR. JOHNSON: Not yet.

4 MR. DAVIES: I have it. It must take longer to get to Los  
5 Angeles.

6 MR. JOHNSON: And I'm even a little west of downtown, so  
7 that's probably an extra millisecond. I still don't have it.  
8 I got your proposed order really quickly.

9 HEARING OFFICER MEYERS: Oh, so you got the proposed --  
10 you got the recent proposed stipulation?

11 MR. JOHNSON: No. No. The --

12 HEARING OFFICER MEYERS: Or the -- or --

13 MR. JOHNSON: The -- the --

14 HEARING OFFICER MEYERS: Oh.

15 MR. JOHNSON: The email you sent on the Board's position  
16 on the proposed order, and that came through right away, so I  
17 don't know what's wrong with this one. I'm fine if you want to  
18 just start by reading it into the record.

19 HEARING OFFICER MEYERS: Okay. Let's do that.

20 MR. JOHNSON: Well, Mr. Davies can send it to me. Maybe  
21 there's some -- I don't know.

22 HEARING OFFICER MEYERS: Maybe -- maybe you can't accept  
23 things from the Board?

24 MR. JOHNSON: I -- I can --

25 HEARING OFFICER MEYERS: In a previously -- I'm sorry, go

1 ahead, Mr. Johnson.

2 MR. JOHNSON: If Mr. Davies is fine with that, maybe he  
3 can.

4 MR. DAVIES: I'll forward it to him. I will forward it  
5 right now.

6 MR. JOHNSON: Thank you.

7 HEARING OFFICER MEYERS: In a previously stipulated  
8 stipulation, the parties have indicated a willingness to agree,  
9 but we do not have a signed stipulation at this point. But I  
10 will read the stipulation so that -- that we can be assured  
11 that all the parties are on the same page here. The parties --

12 MR. JOHNSON: Madam Hearing Officer, I actually have it  
13 now. I have it now.

14 HEARING OFFICER MEYERS: Okay.

15 MR. JOHNSON: So I -- I'm good.

16 HEARING OFFICER MEYERS: Okay. The document, which has  
17 been marked -- it hasn't been marked as 2(a), which I am  
18 currently -- the document entitled -- what's styled with the  
19 Amazon and Retail, Wholesale and Department Store Union, 10-RC-  
20 269250, with correct name of Employer as Amazon.com Services,  
21 LLC, states that there is a stipulation. The parties  
22 stipulate, one, we have informed -- we have been informed of  
23 the procedures of the procedures of formal hearings before the  
24 National Labor Relations Board by service of a description of  
25 procedures, et cetera, et cetera.

1           For the Employer, Mr. Johnson, can you stipulate to  
2 paragraph 1?

3           MR. JOHNSON: Yes, I can.

4           HEARING OFFICER MEYERS: And for Mr. -- for the Union, can  
5 you so stipulate, Mr. Davies?

6           MR. DAVIES: Yes, Madam Hearing Officer.

7           HEARING OFFICER MEYERS: Thank you. And then paragraph 2,  
8 to -- to the extent that the formal documents in this  
9 proceeding do not correctly reflect the names of the parties,  
10 the parties hereby make a joint motion to the Regional Director  
11 to amend the petition and other formal documents to correctly  
12 reflect the names as set forth above.

13          Can the Employer so stipulate, Mr. Johnson?

14          MR. JOHNSON: Yes, Madam Hearing Officer.

15          HEARING OFFICER MEYERS: And for the Union, Mr. Davies?

16          MR. DAVIES: Yes, Madam Hearing Officer.

17          HEARING OFFICER MEYERS: And paragraph 3, the Petitioner's  
18 a labor organization within the meaning of Section 2(5) of the  
19 Act.

20          For the Employer, can you so stipulate, Mr. Johnson?

21          MR. JOHNSON: Yes, Madam Hearing Officer.

22          HEARING OFFICER MEYERS: And for the Union, Mr. Davies?

23          MR. DAVIES: Yes, Madam Hearing Officer.

24          HEARING OFFICER MEYERS: Paragraph 4, the Petitioner  
25 claims to represent the employees in the unit described in the

1 petition herein, and the Employer declines to recognize the  
2 Petitioner.

3 Can the Employer so stipulate, Mr. Johnson?

4 MR. JOHNSON: Yes, Madam Hearing Officer.

5 HEARING OFFICER MEYERS: And can the Union so stipulate,  
6 Mr. Davies?

7 MR. DAVIES: Yes, Madam Hearing Officer.

8 HEARING OFFICER MEYERS: And to -- to speed this along, I  
9 will do 5 and 6 together. Paragraph 5 states that there's no  
10 collective bargaining agreement covering any of the employees  
11 in the unit sought in the petition herein and there is no  
12 contract bar or other bar to an election in this matter.

13 Paragraph 6, the Employer is an employer engaged in  
14 commerce within the meaning of Sections 2(6) and 2(7) of the  
15 Act and is subject to the jurisdiction of the Board.  
16 Specifically, the parties have indicated that they will agree  
17 to the following commerce statement: The Employer is a  
18 Delaware limited liability company that is engaged in the  
19 retail sale of consumer products and operates fulfillment  
20 centers and customer service centers throughout the United  
21 States, include its fulfillment center and facility located at  
22 975 Powder Plant Road, Bessemer, Alabama.

23 During the past 12-month period, Respondents --  
24 Respondent, in conducting its business operations in Bessemer,  
25 Alabama, has derived gross revenues in excess of a million



1 dollars and purchased and received at its Bessemer facility,  
2 goods valued in excess of \$5,000 directly from points outside  
3 the state of Alabama. Can the parties so stipulate to  
4 paragraphs 5 and 6?

5 For the Employer, Mr. Johnson?

6 MR. JOHNSON: Yes, Madam Hearing Officer.

7 HEARING OFFICER MEYERS: And for the Union, Mr. Davies?

8 MR. DAVIES: Yes, Madam Hearing Officer.

9 HEARING OFFICER MEYERS: Most excellent. And in order  
10 that that -- that this written document can be received, I am  
11 hereby submitting this as Board Exhibit 2.

12 **(Board Exhibit Number 2 Received into Evidence)**

13 HEARING OFFICER MEYERS: If the parties would be so kind  
14 as to sign it during a break and return it to me, then we will  
15 make sure that the signed exhibit is actually made a part of  
16 the record.

17 Let me get down to -- are there any petitions pending in  
18 other regional offices involving other facilities of this  
19 employer, Mr. Johnson?

20 MR. JOHNSON: Not to my knowledge.

21 HEARING OFFICER MEYERS: Is the Union aware of any  
22 petitions pending in any other offices, Mr. Davies?

23 MR. DAVIES: No, we are not.

24 HEARING OFFICER MEYERS: I have this reminder to make.  
25 The parties are reminded that prior to the close of the

1 hearing, the Hearing Officer will solicit the parties'  
2 positions on election details, including the type, mail,  
3 manual, or partial manual mail, best days of the weeks, times  
4 and locations for conducting an election, any dates in which an  
5 election could not occur, including the reason, where and how  
6 to conduct the count of ballots, and the eligibility period,  
7 most recent payroll ending date, and the frequency of pay  
8 periods, but will not permit litigation of those issues.

9 The Hearing Officer will also inquire as to the need for  
10 foreign language ballots and the notice of election and the  
11 proposed number of observers for each party, for each polling  
12 period, including the reason. Please have the relevant  
13 information with respect to these issues available at that  
14 time.

15 The parties have been advised that the hearing will  
16 continue from day-to-day as necessary until completed unless  
17 the Regional Director concludes that extraordinary  
18 circumstances warrant otherwise. The parties are also advised  
19 that upon request, any party is entitled to a reasonable period  
20 at the close of the hearing for oral arguments, which shall be  
21 included in the transcript of the hearing.

22 Any party desiring to submit a brief to the Regional  
23 Director shall be entitled to do so within five business days  
24 after the close of the hearing. Prior to the close of the  
25 hearing, and for good cause, the Hearing Officer may grant an

1 extension of time to file a brief, not to exceed an additional  
2 ten business days.

3 In addition, because of COVID, the Agency has specific  
4 procedures to whether or not a mail ballot or a live manual  
5 election is appropriate. Previously, as submitted to the  
6 parties, General Counsel's (sic) Exhibits 4, 5, and 6 -- 4, 5,  
7 and 6 are materials regarding --

8 Kami, do you have those? Can you put those up on the  
9 screen in order?

10 MS. KIMBER: Is this what you are looking for?

11 HEARING OFFICER MEYERS: I'm sure --

12 MS. KIMBER: This is 4.

13 HEARING OFFICER MEYERS: I don't see -- I don't see  
14 anything. I'm sure I have to -- oh, there we go. Yeah, that's  
15 4. Oh, I'm sorry, Exhibit 4 is actually a description of the  
16 voter list requirement after hearing, which sets forth how soon  
17 the Employer's expected to provide a voter list of what must be  
18 included in the voter list and the format thereof.

19 Exhibit 5 is the Board's and the General Counsel's  
20 directives on mail-ballot elections, but I --

21 MS. KIMBER: Sorry.

22 HEARING OFFICER MEYERS: I'm sorry, I should have asked  
23 you to do this in advance, but let me just go -- go through  
24 this. And Exhibit -- Board's Exhibit 6 is a compilation of  
25 information regarding COVID rates in Bessemer, Alabama.

1 Do the parties have any objections to the receipt of Board  
2 Exhibits 4, 5, and 6?

3 For the Employer, Mr. Johnson, do you have any objections?

4 MR. JOHNSON: The Employer doesn't have any objections,  
5 however, you know, the Employer's position on this, of course,  
6 the Employer intends to submit updated, or you know, different  
7 information while the Employer does, of course, fully intend to  
8 comply with your procedures on submitting a position on manual  
9 versus mail ballots.

10 HEARING OFFICER MEYERS: Okay. And just so the parties  
11 are aware, I was not going to get into specifics and take --  
12 take the parties' positions on mail ballot and manual at this  
13 time because this hearing may last multiple days, so I think  
14 that it -- we would be better served if we asked for the  
15 position closer in time to the end of the hearing. And so I  
16 will get your full positions at that time because rates may  
17 change between now and the end of the hearing.

18 Okay. Any objections from the Union for the receipt of --  
19 of Board Exhibits 4, 5, and 6?

20 MR. DAVIES: No, no objections to 4, 5, and 6.

21 HEARING OFFICER MEYERS: All right.

22 **(Board Exhibit Numbers 4 through 6 Received into Evidence)**

23 HEARING OFFICER MEYERS: The Employer has completed, and I  
24 have marked for identification as Board's Exhibit 3, a  
25 statement of position in this matter. Is there any objections

1 to this -- or, we've already gone through the objections to the  
2 receipt of 3. And 3(b) being the Union's statement of  
3 position.

4 I am going to ask the Employer to summarize its statement  
5 of position on the record for purposes of going forward. I  
6 don't need a full description, since that won't be part of the  
7 record, but Mr. Johnson, could you please state for the record  
8 what the Employer's position is on the petitioned-for unit?

9 MR. JOHNSON: All right. Well, we believe that the  
10 petition as filed includes a number -- a large number of people  
11 who should be in a bargaining unit, but once you're looking at  
12 that position, which is basically called the fulfillment center  
13 associate, is a fulfillment association position and there are  
14 regulars and there are part-time regular employees, and there  
15 are different levels of part-time regular employees at Amazon  
16 in terms of how many hours they typically tend to work.

17 Once you get beyond that, because the facility is very  
18 integrated, as the evidence is going to show, there are a  
19 number of other positions that we think should be added and  
20 should be able to vote in the election without any further ado.  
21 And so we would include the position of seasonal fulfillment  
22 associate, or seasonal associate that it is sometimes known, ,  
23 which is a -- a true seasonal classification, for lack of a  
24 better word.

25 There are other classifications called seasonal process

1 assistants, seasonal safety coordinator, and seasonal learning  
2 trainer that are not -- they are essentially regular employees  
3 who are trying out a seasonal role during peak or some other  
4 season and that's what's going on now. So our position is they  
5 should be in.

6 Our position is that employees in the TOM department,  
7 which is transportation operations management, that's what TOM  
8 is short for, should be in, and that would include  
9 transportation associate interim, TA, TOM support specialist,  
10 and I believe field transportation lead.

11 We -- I believe we're in agreement that the loss  
12 prevention specialist should be out as guards. There are a  
13 number of other classifications that include a process  
14 assistant that we mentioned before that we believe should be  
15 in. The -- we have on our list who we believe should be in or  
16 out, and I think that the stipulation you're thinking about  
17 offering as Exhibit 2 has the full list of all the different  
18 inclusions. There are many different inclusions where the  
19 employee population is fairly small, like data analysts, but  
20 without getting into detail in all those -- all those  
21 positions, we do think that they all should be in and -- and  
22 should have a chance to vote without further ado.

23 HEARING OFFICER MEYERS: Mr. Davies, could you summarize  
24 the Union's position?

25 MR. DAVIES: I think -- I think Mr. Rouco is going to do

1       that for the Union, but I don't see him. There he is.

2               MR. ROUCO: Let me unmute this. Yes, Madam Hearing  
3       Officer, our position is that, frankly, our -- we believe that  
4       the questions of whether these employees should be included --  
5       these unit inclusion and voter eligibility issues should be  
6       deferred until the -- for a post-election process procedure.  
7       In GC memo 15-06, the General Counsel notes that under Board  
8       precedent, the Regional Director has the discretion to defer  
9       unit placement and voter eligibility issues up to a post-  
10      election or unit clarification procedure if the dispute concern  
11      the eligibility, or the disputes concern the eligibility or  
12      inclusion of individuals comprising less than 20 percent of the  
13      unit.

14             In this case, as we understand the numbers, if we're  
15      working off the numbers that were provided yesterday during our  
16      conference, we're looking at 951 additional employees that the  
17      Employer claims should be included in the unit. Now, the vast  
18      majority of those, I think over 80 percent, are -- are peak  
19      seasonal employees. But even if you add the 951 to -- to the  
20      existing unit of full-time fulfillment associates, full-time  
21      and part-time fulfillment associates, that's still -- the  
22      issues -- the employees at issue still comprise less than 15  
23      percent of the total compliment of employees.

24             That's well within the discretion that's set out in GC  
25      memo 15-06 that says the Regional Director has the discretion

1 to defer these kinds of issues if it comprises -- the  
2 individuals involved comprise less than 20 percent of the unit.  
3 So based on that, we think that really, frankly, we -- we --  
4 all these issues that the Employer has raised about wanting to  
5 include these additional people, or additional individuals  
6 should be something that's deferred.

7 Now, with respect to the actual issue with seasonal  
8 employees, I mean, it's the Union's position part of the  
9 problem that we have here is, as you know, from the data that's  
10 been provided by the Employer, this is sort of a moving target  
11 for us. We don't know exactly what the number of seasonal  
12 employees are, and that causes great concern for the Union.

13 Typically, the Union doesn't have a problem with including  
14 seasonal employees, but when it's a moving target the way it  
15 is, it -- great -- it -- it -- it is a -- a large concern for  
16 us in terms of ultimately who is going to be employed or  
17 allowed to vote in an election.

18 So I think the law is pretty clear also with respect to  
19 seasonals. Depending on what the record shows, that if they  
20 don't have a reasonable expectation of reemployment, that  
21 seasonal employees would not normally be included in the unit.  
22 And that would be the central issue. We think that they  
23 probably do not have a reasonable expectation of reemployment  
24 to peak seasonable employees as they're hired.

25 Now, as -- with respect to the other categories, you know,



1 we've outlined it in our position that we don't think that --  
2 that many of these job descriptions that the Employer is  
3 claiming should be included in the unit, really belong in the  
4 unit. And I'll just -- I'll just give an example. The  
5 Employer insists that onsite medical representatives be  
6 included in the unit. That's about six other individuals. I'm  
7 not sure how -- I guess this -- we'll wait to see how the  
8 record develops, how onsite medical representatives, which  
9 usually folks, nurses, and others that deal with worker comp  
10 claims, how they belong in a unit of full-time associates -- of  
11 full-time fulfillment associates who primarily, based on Mr.  
12 Maynard's declaration that he submitted in support of the  
13 motion to delay this hearing, primarily do stowing, picking,  
14 packing, and loading of packages.

15 So for that reason, we believe that the -- that the  
16 positions that the Union -- that the Employer -- we may be able  
17 to come to some agreement on -- on some of these job  
18 descriptions, but by and large, we think that they should be  
19 excluded.

20 MR. JOHNSON: May I respond to that?

21 HEARING OFFICER MEYERS: You may.

22 MR. JOHNSON: Thank you, Madam Hearing Officer. While I  
23 think that the key here is the law of large numbers. When  
24 you're talking what's going to end up being 769 seasonal  
25 fulfillment associates, that is a large chunk by any measure,

1 and I do think that if you look back to the reasons and the  
2 policy behind the 20 percent guideline that Mr. Rouco was  
3 talking about, that was for where you would have units that, on  
4 average, as we all know, you know, National Labor Relations  
5 Board bargaining units tend to be much smaller than the one  
6 that we're arguing about.

7 And we are simply stating that if you're looking at a  
8 number that large, it would in fact be an abuse of discretion  
9 to simply toss all those people into a post-election kind of  
10 challenge procedure and a procedure, we think that that is --  
11 you know, it's undisputed -- you know, we -- we've gone back  
12 and forth, of course, because the numbers do change. I would  
13 agree that it's a moving target, which is precisely in one  
14 sense why you need to have a hearing on it, and the lengthy  
15 hearing would consist of a very large facility, comprising  
16 855,000 square feet, and there are a large number of employees  
17 at issue.

18 At the end of the day, I would also take a little bit of  
19 issue with my, you know, compatriot's analysis of what the  
20 standard is because there's also the community of interest task  
21 that we have to concern ourselves with and what the actual  
22 seasonal fulfillment associates do. So if you look at the --  
23 as the evidence is going to show, and we can't do it all in one  
24 day, and we can't do it all in one witness, but with the --  
25 with the seasonal, but what you're going to see is that they do

1 work alongside fulfillment associates, and many common  
2 fulfillment associate's roles, some of those common roles in --  
3 in the facility.

4 And then once we're talking about that, then there are  
5 some other very significant groups of employees that are  
6 important to the operations so we don't have a fragmented  
7 bargaining unit. For example, the process assistants that came  
8 up a little bit earlier, along with the leads, well, they're  
9 certainly, you know, part of, and should be part of our unit or  
10 community of interest task, and to -- to be sure there may be  
11 some -- you know, some ancillary classifications that the  
12 Hearing Officer may -- or the Regional Director may ultimate  
13 rule don't have a community of interest, but when you hear the  
14 evidence on this, and the Regional Director reads it, she's  
15 going to find that this is a very, sort of, integrated  
16 continuous kind of flow operation that is -- that is by design  
17 set up so employees in these core positions work pretty closely  
18 together for the final object.

19 So you know, with all due respect, I -- I think that these  
20 issues are not appropriate for deferral with this many  
21 employees. Section 7 and Section 9, you know, rights to vote  
22 as to date.

23 HEARING OFFICER MEYERS: And with that said, taking into  
24 account the issuance of GC-2101, which puts the limitation at  
25 ten percent -- ten percent disputed -- because the limitation

1 of -- up to ten percent of the disputed unit can be voted  
2 subject to challenge, but that's only in cases where the  
3 parties agree. As it appears there is no party agreement, in  
4 this instance we will proceed.

5 I would encourage the parties to thoroughly explore  
6 whether or not they can reach some stipulation as to the 20 or  
7 so odd classifications. If the parties could eliminate  
8 litigation of those, I think we could substantially limit the  
9 necessity of staying on the record for many days or weeks.  
10 Moreover, I think that would take us to the point where if we  
11 take out the seasonal employees, we're well below the ten  
12 percent. So I encourage the parties to explore whether or not  
13 they can reach some stipulation as to the inclusion of those  
14 other classifications and we will proceed with the  
15 understanding that we will, in all likelihood, be required to  
16 resolve the seasonal employees.

17 With that said, I appreciate the parties' positions. And  
18 do either party -- do either of the parties contend that  
19 anything other than the Board's standard eligibility form of  
20 voting is required, given the industry in which the Employer is  
21 engaged? And do we have a proposal for what the test should be  
22 as to whether or not to include these seasonal, temporary,  
23 part-time, contingent type employees?

24 Mr. Johnson, does the Union have -- or does the  
25 Employer -- my apologies. Does the Employer have a position as

1 to eligibility standards?

2 MR. JOHNSON: Well, not a fully formulated position. We  
3 were assuming that the eligibility standard for the regular  
4 part-time employees would be the Davis-Paxton test.

5 HEARING OFFICER MEYERS: All right. Davis-Paxton  
6 generally is not applicable to warehouse, so be prepared to  
7 submit your arguments and -- your legal arguments on that.

8 Does the Petitioner have any arguments with regards to  
9 eligibility formula, Mr. Davies and Mr. Rouco?

10 MR. ROUCO: We don't have -- we haven't really yet  
11 formulated the position on what the appropriate formula.  
12 Obviously, we think it would be the formula used in warehouse  
13 operations, but we'll be prepared later on in the hearing to  
14 state our position on that.

15 HEARING OFFICER MEYERS: My apologies to both parties. I  
16 had forgotten that this is a -- a question in my script, or I  
17 would have prepared you for this and asked yesterday, and  
18 obviously, I would ask that both of you all have legal  
19 arguments with regards to what the formula will be.

20 MR. JOHNSON: I think Richard did pretty well, just for  
21 the record.

22 HEARING OFFICER MEYERS: Is there anything else that we  
23 need to discuss at this point?

24 For the Employer, Mr. Johnson, can you think of anything  
25 else?

1 MR. JOHNSON: No, Madam Hearing Officer.

2 HEARING OFFICER MEYERS: And for the Union, Mr. Davies and  
3 Mr. Rouco, who's --

4 MR. ROUCO: We -- I can't think of anything else.

5 HEARING OFFICER MEYERS: The Regional Director has  
6 directed that the following issues will be litigated in this  
7 proceeding: We will determine unit scope and the inclusion of  
8 the -- of certain classifications. For purposes of this  
9 hearing, we will determine whether or not seasonal employees  
10 are included in the bargaining unit as well as -- I have a list  
11 here that I'm unfortunately not finding. So let me go back to  
12 this list.

13 We will be determining if the parties -- I think we talked  
14 about this. I haven't checked it off my list. Can the parties  
15 get together in a break and discuss these lead fulfillment  
16 associates because that would eliminate the discussion over 26  
17 individuals? I know that the Employer -- or that the  
18 Petitioner had requested in their initial petition that leads  
19 be included, so if we can decipher whether these process  
20 assistant lead fulfillment associates should be included, we  
21 can take care of those -- those issues.

22 Moreover, I'd ask that the parties get together and figure  
23 out what the difference between the learning ambassadors and  
24 all of these various types of trainers are. I think that's  
25 something else that we might be able to resolve. But at

1 present, the following issues are subject to litigation: The  
2 inclusion of certain fulfillment associates who do not work --  
3 who work less than a regular part-time employee. Whether that  
4 is the regular flex-time employees who work less than 20 hours  
5 a week, or -- or 20 hours a month, those are issues that we  
6 will resolve legally, but I will need to hear evidence on  
7 those.

8 We will also be hearing evidence on, perhaps the lead  
9 fulfillment associates and the process assistant. A number of  
10 different trainers and learning coordinators, learning  
11 trainers, amnesty trainers, pit trainers, are the trainers  
12 and -- trainers, for lack of a better, more inclusive term,  
13 that we will be hearing about.

14 There are also the AR quarterbacks, the material handlers,  
15 hazardous waste coordinators, sortation associates, WHS  
16 specialist, onsite medical representatives, data analysts, dock  
17 clerks, PN associates, transportation associates, interim  
18 transportation associates, transportation operation management,  
19 support specialists, field transportation lead, seasonal  
20 fulfillment associate, seasonal learning trainer, seasonal  
21 learning trainer, seasonal safety coordinat -- coordinators,  
22 seasonal process assistant, and warehouse associates temporary.

23 As well, we will be receiving evidence and litigating  
24 whether or not this election should proceed as a mail-ballot  
25 election or whether it should proceed as a manual election in

1 light of COVID-19 pandemic. And please be aware that because  
2 this doesn't involve a presumptively appropriate board unit,  
3 the burden will lie with the party seeking to -- how do I --  
4 while wall-to-wall unit would be appropriate, it appears that  
5 the Petitioner has carved out certain nonrelevant  
6 classifications. The burden will be on the person excluding  
7 those classifications, unless it is shown that they do not  
8 share a community of interest.

9 In addition, it does not appear that we have any issues  
10 pending before us that may raise supervisory status. However,  
11 if those issues do come up, it is a statutory exclusion and the  
12 parties seeking to exclude employees on the basis of that  
13 statutory exclusion bear the proof, burden of proof. We expect  
14 that you will present specific detailed evidence in support of  
15 your position regarding supervisory status, and general  
16 conclusionary statements by witnesses will not be sufficient to  
17 establish supervisory status.

18 I'm going to ask the Employer to present their first  
19 witness. Are you prepared to proceed at this point?

20 MR. JOHNSON: We are, Madam Hearing Officer. I do not  
21 see -- I mean, with Zoom radical, so to speak, I do not see Mr.  
22 Travis Maynard out there anywhere, but if you could promote him  
23 to video and put him up where people can see him, that would be  
24 great.

25 HEARING OFFICER MEYERS: All right. And Mr. Maynard,





1 we're going to put you on video here. I think you can -- I  
2 think he controls that.

3 Kami, does he control that?

4 MS. KIMBER: So he's on video and it looks like he's  
5 successfully unmuted, so you should be good to go.

6 HEARING OFFICER MEYERS: Thank you, Mr. Maynard. Mr.  
7 Maynard, my name is Kerstin Meyers. I am the Hearing Officer  
8 for the National Labor Relations Board. I'm not sure how long  
9 you have been here, but I'd ask you to please raise your right  
10 hand.

11 Whereupon,

12 **TRAVIS MAYNARD**

13 having been duly sworn, was called as a witness herein and was  
14 examined and testified, telephonically as follows:

15 HEARING OFFICER MEYERS: Thank you, sir. Could you do me  
16 a favor and please state your full name and spell your name,  
17 although the court reporter can probably see it on the screen  
18 as I say this, but if you would do so just for purposes of  
19 clarity for the record?

20 THE WITNESS: Travis Maynard, T-R-A-V-I-S M-A-Y-N-A-R-D.

21 MR. JOHNSON: Are you on mute?

22 HEARING OFFICER MEYERS: Your witness, Mr. Johnson.

23 MR. JOHNSON: Okay. Thank you, Madam Hearing Officer. I  
24 am going to open the examination of Mr. Maynard by closing the  
25 door to this conference room, so excuse me for a second so we

1     won't get disturbed.

2                                   **DIRECT EXAMINATION**

3     Q     BY MR. JOHNSON:   All right.   Good morning, Mr. Maynard.  
4     How are you?

5     A     I'm doing well.   Good morning.

6     Q     Amazon.com Services, LLC is your current employer; is that  
7     correct?

8     A     Yes.

9     Q     Okay.   So for purposes of your testimony, can I refer to  
10    Amazon.com Services, LLC as Amazon, and you will understand  
11    that?

12    A     Yes.

13    Q     All right.   What is your correct current job title, Mr.  
14    Maynard?

15    A     Director of operations.

16    Q     All right.   Are you the director of operations for a  
17    particular Amazon facility?

18    A     Yes, for the Bessemer, Alabama fulfillment center.

19    Q     Does that have a particular code or abbreviation  
20    associated with it?

21    A     It is BHM1.

22    Q     And is BHM1 a particular type of fulfillment center in  
23    Amazon?

24    A     So we are an Amazon robotics sortable.

25    Q     Okay.   And what do you mean by sortable?



1 A So sortable, we handle smaller items such as, you know,  
2 maybe an Echo Dot, or a Kindle Fire.

3 Q Okay. And is there a size or a weight limitation on these  
4 items?

5 A Essentially inventory that is not in excess of 25 pounds.

6 Q Okay. And we'll get into those in a lot more detail in a  
7 moment. But basically, it -- what do the employees do inside  
8 the building that comprise this BHM1?

9 A So essentially in the site, our associates, essentially  
10 will receive inventory, they will pick inventory, they will  
11 pack inventory, they will ship out the inventory to our  
12 customers on a -- you know, minute-by-minute basis, and then we  
13 have other associates that are involved with that transaction  
14 as well throughout the FC.

15 Q All right. And are there other types -- when you say FC,  
16 do you mean fulfillment center?

17 A I do mean fulfillment center, yes.

18 Q Is that the Amazon abbreviation for fulfillment center,  
19 FC?

20 A Yes.

21 Q All right.

22 A Yes.

23 Q Is there a distinction in the type of fulfillment center,  
24 BHM1 is and other types of facilities at Amazon?

25 A Yeah. Yes. So we are an Amazon robotics sortable

1 building. There are nonsortable fulfillment centers that  
2 handle larger items such as TVs, for example, that -- that I am  
3 aware of or have been in. There's also other avenues or other  
4 sites, but I'm not an expert on what those sites do.

5 Q All right. So the --

6 MR. JOHNSON: At this point, Madam Hearing Officer, I  
7 would actually like to cut over to the -- well, two things; one  
8 is there are not many exhibits with Mr. Maynard, and so I will  
9 instruct those to get forwarded right now. And we just put  
10 them together, so I got -- give me just a second.

11 HEARING OFFICER MEYERS: Mr. Johnson, for -- for the  
12 future, if you could be sure to email both Ms. Kimber and  
13 myself and the Union the remainder of your exhibits, that would  
14 be helpful.

15 MR. JOHNSON: Okay. We will try. I mean, there are  
16 multiple -- here -- here's the issue, there are multiple  
17 witnesses and some of them, you know, obviously are subject to  
18 identifying and -- and moving forward, depending on the nature  
19 of the position at issue. So we'll -- we'll try to get the  
20 exhibits together as soon as we can for future witnesses.

21 HEARING OFFICER MEYERS: Thank you.

22 MR. JOHNSON: This is sort of like first-day hearing  
23 blues, and I apologize, Madam Hearing Officer. And let me just  
24 ask that this get sent out the door. Okay. So at this point,  
25 I'd like to, as we discussed in the pre-conference hearing a

1 little bit, flip over to this video. And what I'd like to do  
2 for the benefit of the record is play the entire video, and  
3 then I will turn the sound off, take Mr. Maynard back through  
4 it because it is -- it covers two fulfillment centers. Both  
5 are in England. One is actually near Birmingham, England,  
6 unfortunately, and it gives you a -- our view of a pretty good  
7 overview of various tasks that fulfillment associates and  
8 seasonal associates actually end up doing. Then I will go back  
9 and with the volume off, we will have Mr. Maynard testify about  
10 certain segments of that video that -- and what actually  
11 happens at BHM1 that he's observed, running this facility. Is  
12 that permissible? Or do we need to take a break, or something  
13 like that?

14 HEARING OFFICER MEYERS: I -- I think that is, but I'm  
15 going to defer to my bailiff.

16 Ms. Kimber, can you turn controls over so he can play the  
17 video?

18 MS. KIMBER: Mr. Johnson, you should be able to share your  
19 screen at this point. Let me know if that's not correct.

20 MR. JOHNSON: All right. Hold on just a moment. Wait  
21 just a second. Okay. Let me see if I can make this work this  
22 time. All right. Let me ask you all if you can see this, and  
23 only this, which is basically join our team on a guided video  
24 tour through a fulfillment center; can everybody see that?

25 HEARING OFFICER MEYERS: Yes. Yes.

1 MR. JOHNSON: And is that all -- all you can see right  
2 now? I just want to make sure I'm not --

3 HEARING OFFICER MEYERS: Except for the post-attendee tab.

4 MR. JOHNSON: That thing? Okay. So let me get rid of  
5 that.

6 HEARING OFFICER MEYERS: Yeah.

7 MR. JOHNSON: All right. Great. Okay. So I'm going to  
8 play this whole thing, and without further ado, but I just want  
9 to make sure that I have right piece up so we can kind of talk  
10 about it later. But let me just play the whole thing now.

11 (Video played at 12:16 p.m., ending at 12:26 p.m.)

12 Q BY MR. JOHNSON: All right. So Mr. Maynard, did you hear  
13 all of that?

14 A Yes.

15 Q Did you see all of that?

16 A I did. Yes.

17 Q Great. Well, let's get back to the beginning, and we're  
18 going to talk about the segments as they correspond BHM1. Do  
19 you understand what I'm going to be asking you about?

20 A Yes, sir.

21 Q Okay. So starting at -- I'm going to move just for the  
22 purposes so the court reporter understands what I'm doing, I'm  
23 advancing to 50 seconds. And we're going to play through to  
24 one minute and five seconds with the sound off. And I want you  
25 to take a particular look at that segment, Mr. Maynard, and I'm

1 going to ask you some questions about it. Okay?

2 A Understood.

3 (Video played at 12:27 p.m., ending at 12:27 p.m.)

4 Q Okay. Okay. So I've completed that. I'm going to run it  
5 back to 50 seconds again. Whoops; sorry. Now, let me pause  
6 it. Okay. So this is about the BHX1 and what the -- when they  
7 represented the video on the screen is showing that this  
8 particular fulfillment center is 750,000 square feet in size.  
9 How big is BHM1 in terms of square feet in size on the first  
10 floor?

11 A 855,000 square feet.

12 Q Okay. And does it have other floors besides the first  
13 floor in to -- internally?

14 A Yes. It does.

15 Q Okay. I'll ask you about those in a little bit, but in  
16 lay persons terms, just looking at first floor, would -- first  
17 floor square footage, how many football fields would that be?

18 A 14.

19 Q All right. Do you have conveyer belts, like this -- these  
20 facilities are showing on the video as having?

21 A Yes. We do.

22 Q Okay. How long are those conveyer belts?

23 A It's greater than ten miles of conveyance.

24 Q Okay. You use the words conveyance to speak of conveyers  
25 at DHM1?

1 A Yes.

2 Q All right. Do you know -- have you ever looked at how  
3 many acres the total property consists of?

4 A It is 133 acres.

5 Q Is that inside and outside the building?

6 A That includes the parking lot. It is inside and outside,  
7 yes.

8 Q Okay. Have you measured the length of the building?

9 A That we have the -- the dimensions, if I recall correctly.  
10 It's escaping me. I know it's 650, or 561 is the width. The  
11 length, I don't recall at this point in time.

12 Q Okay. Would it be somewhere around 1,000?

13 A At least --

14 Q 1,500? 2000?

15 A I would say it would be between 1,000 and 1,500.

16 Q Okay. And let me just -- you can take judicial notice of  
17 this for the Hearing Officers and Regional Directors  
18 perspective. But it's the USS Alabama (Indiscernible) in  
19 southern Alabama is 680 feet long. My dad was on the  
20 battleship, so that's why it's interesting to me.

21 Okay. So let's go to the 1:47 mark. The 1 minute and 47  
22 seconds on this video. And it's actually 1:48, and I'm going  
23 to play that through to 2 -- 2:15 mark. Watch carefully, Mr.  
24 Maynard.

25 (Video played at 12:30 p.m., ending at 12:30 p.m.)



1 MR. JOHNSON: Okay. Let me run this back. All right.

2 Let me represent for the record that this segment is called  
3 receiving, this -- the name of the video.

4 Q Mr. Maynard, does BHM1 have a receiving area that uses  
5 some or all of the same process that you've seen in this video  
6 clip segment?

7 A Yes.

8 Q All right. And let me ask you some questions about the  
9 technology and tasks involved. At 2-0, let's see -- actually,  
10 from that 1:51 they're moving -- and from 1:59 forward, they're  
11 moving across these rollers that you see at 1:51, 1:52, 1:53.  
12 You see those rollers?

13 A Yes.

14 Q Okay. So what is that device called? Was is that sort of  
15 conveyance called?

16 A Yes. So we have powered flex conveyer that the gentleman  
17 in orange vests was placing the cartons on. We do have that on  
18 our receive dock (simultaneous speech).

19 Q And let me jump forward to 2:14; there's another different  
20 type of conveyance there. You can see in the middle of the  
21 screen; there's a black box at 2 -- 2:14. Can you identify  
22 that sort of conveyance?

23 A Yes. Roller conveyance, which we also have in the  
24 fulfillment center.

25 Q All right. And you see the -- the -- there's this black

1 box in the middle of the screen. It appears to have some items  
2 in it at 2:14 on the video mark. What is that called?

3 A So that is a tote. We have those within our fulfillment  
4 center. Ours are yellow.

5 Q Okay. Are they the same dimensions as this?

6 A All -- all the yellow totes in our building are the -- the  
7 same dimension. So I would expect in this type of building  
8 then yes, we would see the same type of totes. The same size.

9 Q Oh, okay. Well, let me just ask you about your buildings  
10 just so I'm clear. I just want (audio interference). So your  
11 building, you have these boxes; do I have that right?

12 A The -- the totes. We have the -- we have yellow totes.

13 Q Yes. And they are yellow. And is that correct?

14 A Correct.

15 Q And are they the standard size?

16 A They're all standard size across the fulfillment center.

17 Q Okay. Are you familiar with the job classification known  
18 as the fulfillment associate?

19 A Can you repeat that again? Sorry.

20 Q Sure. Are you familiar with a job classification or job  
21 title that's fulfillment associate at BHM1?

22 A Yes. So we do have a -- a fulfillment associate and we  
23 also have seasonal fulfillment associates as well, too.

24 Q Let me take you back just really quickly so the records  
25 clear on fulfillment associate. Are those also called

1 fulfillment center associates?

2 A Yes.

3 Q All right. And -- and then you had mentioned that there  
4 -- you were familiar with the job classification called I think  
5 seasonal fulfillment associates. Is that what you said?

6 A Correct.

7 Q Okay. Is that also called seasonal associate at BHM1?

8 A Correct. Yes.

9 Q All right. So I will call the -- it's fulfillment center  
10 associate -- fulfillment associate for the rest of this  
11 questioning, just so you understand. Okay?

12 A Understood.

13 Q And I'll call seasonal fulfillment associate seasonal  
14 associate, just so you understand.

15 A Understood.

16 Q Okay. So this duty that -- is there a -- a -- is it job  
17 task of fulfillment associates to put totes on contain -- on  
18 conveyances like the ones we've seen in this segment?

19 A So the -- the -- the associates, yes. A F-A-N-S-F-A would  
20 place totes on the conveyance like we saw.

21 Q Okay. So are you saying that a seasonal associate also  
22 performs the same task?

23 A Correct.

24 Q Okay. And when they're working in receiving, or in or  
25 around receiving, do they perform those tasks side-by-side, or

1 close to -- as close to each as you can get in our pandemic --  
2 plague society right now?

3 A Yes.

4 Q Do -- do any of the associates in the fulfillment -- well,  
5 let me ask you a question about fulfillment associates. Do  
6 fulfillment associates have the duty to put things into the  
7 conveyance; products? Put things in --

8 MR. JOHNSON: -- scratch the question, sorry.

9 Q Do fulfillment associates got the duty to put products  
10 into a tote before it goes on a conveyance?

11 A Yes.

12 Q Do seasonal associates also have that duty?

13 A Yes.

14 Q Do they work side-by-side when they're performing that  
15 duty in receiving at BHM1?

16 A Yes.

17 Q Do you use the term associates to refer to your employees  
18 in generally, just so the records clear on that?

19 A Yes.

20 Q All right. Now, let me take you up and we're going to  
21 flip over to the LTN4 segment. I'm going to take you forward  
22 to 3:41, and I'm going to -- we'll just say 3:40, and I'm going  
23 to play 3:40 to 4 -- 4:01. All right? So please watch  
24 carefully.

25 (Video played at 12:36 p.m., ending at 12:36 p.m.)

1 Q BY MR. JOHNSON: All right. I actually went a little bit  
2 further to 4:09, but let me -- let me just direct your  
3 attention to 3:40 to 4:01. Let's roll it back to 3:43 --  
4 actually, a little bit before that. Okay. Okay. How about  
5 3:40 itself. Okay. So this yellow thing that we're seeing on  
6 the screen as 3 minutes and 40 seconds on the video, do you  
7 have those at the BHM1?

8 A Yes.

9 Q What is that?

10 A So that is a pod.

11 Q Is that P-O-D, pod?

12 A Yes.

13 Q And you know, how -- how do those come into the facility?  
14 Do you make them or do they ship in?

15 A So there's actually a -- a couple of different ways that  
16 they're brought into the building. So they are when we launch  
17 a building we actually bring in full pods with inventory, and  
18 insert them onto the Amazon robotics field. And also, we have  
19 empty pods that are already on the floor that essentially, we  
20 will stow inventory into, which is the process that we'll be  
21 looking at here shortly.

22 Q Are they a standardized size?

23 A Yes. These are 100 inches tall, and 36 by 36.

24 Q Okay. And what are the openings called in the pod where  
25 you can put products such as we see here on 3 minutes and 40



1 seconds?

2 A Those are called bins.

3 Q Okay. Is that B-I-N-S?

4 A Correct.

5 Q Okay. Is there anything called a shelf, just so I  
6 understand that -- that --

7 A Typically, these -- these are going to be called bins.  
8 That's what they will be called.

9 Q Now, across the bin there appears to be some sort of strip  
10 or strips of material. Can you see that and with your  
11 resolution?

12 A Yes.

13 Q Okay. And what is that?

14 A So those are to actually prevent product from falling out  
15 of the bins that are located -- they are located in. Because  
16 essentially, if you know, the inventory is not placed in those  
17 correctly, or falls out can have an impact on the Amazon  
18 robotics field.

19 Q What kind of impact?

20 A So essentially, if a stow associate essentially places  
21 inventory into the shelf inappropriately, and the items falls  
22 out, it essentially could jam up underneath one of the drives,  
23 which essentially can stop the super highway. So if you have  
24 so many of the drives, which are the orange Roomba looking box  
25 that we saw, essentially what occurs is that there's a delay in

1 the process.

2 So stow essentially, if -- if they are -- do not follow  
3 process or place the inventory in the -- the bin appropriately,  
4 and it falls to floor, now delays the downstream customer of  
5 picking. Which we will look at here shortly. But somebody has  
6 to go out and remove that item to ensure that - that you know,  
7 we can continue our flow of processes.

8 Q Right. Let me just back you up with some other visuals.  
9 Because you mentioned of lot of different terms just now, and I  
10 want to make sure the records clear. So you mentioned drives.  
11 Let me take that forward to 3:40 -- let's do 3:50, so you get a  
12 good view of that.

13 (Video played at 12:40 p.m., ending at 12:40 p.m.)

14 Q BY MR. JOHNSON: So what's on our screen here at 3:50;  
15 this orange and black unit under the pod?

16 A That would be an Amazon robotics drive.

17 Q Okay. And what actually is it? What does it --

18 A So -- so the drive actually picks up the pod off the  
19 floor, and will take it to the designated area. Either to a  
20 stow associate or a pick associate.

21 Q Okay. Does this -- does anyone monitor the weight of the  
22 pods during this process?

23 A So actually, the -- the technology of the -- of the drive  
24 actually monitors the weight to keep them balanced. Actually,  
25 it alerts our associates essentially you cannot stow or add any

1 more inventory into this pod; please release.

2 Q Oh. And then how does the particular drive know to go to  
3 a particular pod?

4 A Yes. So if essentially, a lot of it is driven by the  
5 stow, what the stower is doing or what the picker is -- is  
6 doing. So for a stow perspective, which we'll get in more  
7 detail here in the video, but the stow associate has totes that  
8 have inventory that is at their station, and essentially the --  
9 there's scanners at their stations. And so when those totes,  
10 the barcodes on them get scanned, the technology determines  
11 that the stower, based on the inventory that is in these totes,  
12 will determine what pods these -- the stow associates can place  
13 the inventory into the -- into the bins.

14 And for a pick associate, essentially when they log into  
15 their station, they have their -- their -- their five totes.  
16 Essentially, they will log in and the system automatically  
17 generates bringing pods to them with inventory that they were  
18 to move and place in the tote.

19 Q All right. And so let me take you forward in terms of  
20 the -- you mentioned robotics, but let me take you forward to  
21 3:56.

22 (Video played at 12:42 p.m., ending at 12:42 p.m.)

23 Q BY MR. JOHNSON: What is it that we're looking at, at 3  
24 minutes and 56 seconds on the video?

25 A Yes. So this would be the -- the robotics field.



1 Q Okay. And what -- what's it made of for lack of a better  
2 word?

3 A Concrete.

4 Q Okay. And how much clear -- how low clearance are these  
5 rods?

6 A That I don't know.

7 Q Okay. Can they get blocked if something falls out on the  
8 robotics field, I guess is my question?

9 A Yes. Absolutely. And we -- it happens quite frequently,  
10 where we will see a bot that will get a piece of product that  
11 will be jammed underneath it. So essentially -- and it stops.  
12 It does not move at all. It senses that it cannot move and  
13 alerts an individual to -- to service and remove the item that  
14 is blocking the pod for the size of the drive.

15 Q Right. And so what tells the drives where to go and --

16 A So --

17 Q -- that your proc -- in your fulfillment center process?

18 A Yes. So if you'll notice, there are barcodes on the floor  
19 and essentially that is the path. So the drive scans each  
20 barcode, and that essentially tells it where it is located on  
21 that particular Amazon robotics floor or field, and will  
22 direct. And essentially, based off that barcode, will  
23 determine the direction it needs to go. Either left, right, up  
24 or down from where it's at, at that point to get to the  
25 destination and process their -- the pick or stow process.

1 Q Okay. Can you actually see my mouse on this screen?

2 A I see it.

3 MR. JOHNSON: Can you see Ms. Hearing Officer, and Mr.  
4 Davis, and Mr. Rouco, just to make sure? You know, see it  
5 moving around?

6 HEARING OFFICER MEYERS: Yes.

7 MR. DAVIES: Yes.

8 Q BY MR. JOHNSON: Okay. Great. So what is this this thing  
9 that I'm pointing at right here, which is kind of in the  
10 center. Maybe a quarter up the screen that's on the floor in  
11 the robotics field?

12 A Yes. So the technical term we actually use is fiducial,  
13 but essentially it is just a -- it is a bar code that shows  
14 that particular location on the robot or the Amazon robotics  
15 field.

16 Q Okay. And is that the bar code you were referring to in  
17 your earlier testimony that basically tells them where there  
18 are?

19 A Correct.

20 Q Okay. And so what so what kind of maneuvers do the robots  
21 have to deal with on the robotics field to get from, as we'll  
22 see -- well, to get from one area to another?

23 A So essentially, what will occur -- so the -- the whole  
24 floor works in unison. So our stow associates -- so we have  
25 stow, pick, and count associate that -- that are all on the

1 same floor, and essentially utilizing all the drives that are  
2 on that floor. And so essentially, when an individual logs in  
3 either a pick associate, which can be an FA or an SFA, a count  
4 associate which can be a FA or SFA, or a stow associate which  
5 could be a FA or SFA. Essentially, will take the pod that is  
6 potentially either closest to them that would provide a stow  
7 associate, for example, to be successful and get the inventory  
8 they have in the appropriate bin. Or if a pick associate; it  
9 will take you to the closest pick associate that is near that  
10 area.

11 But essentially, the -- our system determines where  
12 these -- what -- we know what inventory is what -- in what  
13 pods. And the -- the drives essentially go after that pod,  
14 which means there could be other pods that may need to be  
15 moved, which our system will make that determination that those  
16 pods need to be moved. So drives will do that, but  
17 essentially, these drives access all of the -- the floor and  
18 bounce from pod to pod.

19 Q All right. And so you -- you mentioned a lot in there.  
20 Let's -- let's back up. And let me ask you, is there a role,  
21 or -- or function, or group of tasks at BHM1 that actually puts  
22 the products in the pod; assuming that they're not preloaded  
23 when they -- they've come in from outside?

24 A Yes. That would be the stow process.

25 Q All right. So let me take you to 4:06. And I'm going to

1 have you watch 4:06; that's 4 minutes and 6 seconds, through 4  
2 minutes and 29 seconds on this video.

3 (Video played at 12:46 p.m., ending at 12:47 p.m.)

4 Q BY MR. JOHNSON: And so there we go. Did you see that  
5 segment, Mr. Maynard?

6 A Yes.

7 Q Okay. Let me just take it back to 4:06 for a second. Did  
8 you see that series of tasks that the person was performing on  
9 the screen there?

10 A Yes.

11 Q Are you familiar with those tasks?

12 A Yes. What I will state the -- so this stow associate is  
13 placing their own totes onto their station. We have water  
14 spiders that actually place inventory or the yellow totes onto  
15 their stations for them.

16 Q So is that different at the BHM1, is what you're saying?

17 A Yes.

18 Q Okay. So aside from that task where they're putting their  
19 own totes, is this the same set of things that stowers do at  
20 BHN1?

21 A Yes.

22 Q Okay. And can you just break that task list down in terms  
23 of everything they need to do as part of the stow process?

24 A Oh, absolutely. So essentially --

25 Q (Simultaneous speaking). Sorry. I'm sorry. Let me

1 advance for 9:18 -- sorry. 4:9 -- oh, c'mon. It's kind of  
2 hard to get the exact stack in here. Let me try it this way.  
3 There we go. Okay, so I've got it at 4:19. An interval  
4 between 4:19 and 4:20, so there you have the stowing in front  
5 of pod. So can you explain all the tasks that go into that?

6 A Yes. Absolutely. So the first task is that as you can  
7 see the stow associate has their slag, or workstation with all  
8 of their totes. And essentially, what happens at this point  
9 now, our system knows that based off inventory that are in  
10 these totes, it's going to provide and bring essentially pods  
11 that have space that the stow associate can accommodate  
12 inventory that -- that is located in their totes. And so  
13 essentially, what will happen is the stower will grab an item  
14 and the scanner, which if -- if the KOAMTAC (phonetic) scanner,  
15 which is in the -- like in the center towards the top, actually  
16 scans the item and essentially then we show locations of where  
17 this item you know, can be stowed.

18 And so essentially, the stow associate will place the  
19 item, will move down the banding to ensure that you know, it  
20 doesn't fall out. Place the item appropriately and securely,  
21 but of course doing a quality check to make sure there's no  
22 damage. Place it in the location, and then essentially will go  
23 back and grab another item, scan it, and again and repeat the  
24 process.

25 Now, what does happen is if a stow associate has

1 essentially stowed what they can into this pod essentially,  
2 they would release that and there's another one that's waiting  
3 to come over to the station, and they repeat that same process.

4 Q All right. And so how many totes are they stowing from at  
5 the same time?

6 A So you can log into eight totes is what the system  
7 recognizes at any given time.

8 Q Okay. And then does -- does the stowing associate  
9 actually, physically lift the product out of the tote to -- to  
10 perform that scan you mentioned?

11 A So the stow associate essentially, when they place the  
12 tote on the slab, the tote does get scanned. They -- when they  
13 pick up the product there is a scan essentially that would be  
14 this individual's right if they moved the product under, and  
15 then essentially the screen that's in front of them validates  
16 that the item was scanned, and essentially will also tell them  
17 a -- a location they can stow it as -- as well too.

18 Q And by location, do you mean a particular bin on the pod?

19 A Correct.

20 Q All right. And so are -- do -- okay, so the stowing role.  
21 Do fulfillment associates get assigned to this role?

22 A Yes.

23 Q Is that a normal practice every day at BHM1?

24 A Yes.

25 Q And when there are seasonal associates present, do they

1     also get assigned to this role?

2     A     Yes.

3     Q     Is that a common practice when there are seasonal  
4     associates on your -- in -- working in the facility for them to  
5     be assigned this role?

6     A     Yes.

7     Q     When that happens, do they work in -- albeit in different  
8     stations, do they -- can there be a seasonal associate working  
9     in a station right next to a fulfillment associate?

10    A     Yes.

11    Q     And those would be stowing stations?

12    A     Yes.

13    Q     Okay. Do you know how many stations there are next to the  
14    robotics fields?

15    A     There's 409.

16    Q     Okay. Now, we're going to talk a little bit about picking  
17    and sort of counting later. Are those 409 just for stowing or  
18    those -- or they sort of interchangeable?

19    A     They're -- they're interchangeable. We have 128 that are  
20    really pick specific counters can use those as well. So they  
21    remaining outside the 128 would be used or could be used for  
22    stow.

23    Q     Oh, okay. And so the -- then does -- let me put it to you  
24    this way. Does an associate working a stow station have  
25    something like their station that they're always assigned to

1 every day?

2 A No.

3 Q Okay. And would that hold true for the seasonal  
4 associates, too?

5 A Correct.

6 Q So are they assigned from station to station each day?

7 A Yes. Just depends on -- on what day of the week it is,  
8 and attendance, yes.

9 Q All right. So we talked a little bit about pick. Let me  
10 take you up to the 5:12 mark. And we're going to play from  
11 5:12 to 5:46, because there's just a little bit more involved  
12 in this. So please pay attention.

13 A Okay.

14 (Video played at 12:53 p.m., ending at 12:54 p.m.)

15 Q BY MR. JOHNSON: All right. So at the beginning of this  
16 clip at -- at about 5:12 to 5:20, and let me see if you -- so  
17 we started with the stow, and now we're going to the pick. And  
18 how does that process take place?

19 A So what we're seeing here essentially, as a stower safely  
20 places an item in a bin both virt -- virtually and physically,  
21 now it is available to be picked. So essentially, when the  
22 stow process completes their step, now the downstream customer  
23 is the pick process. So essentially, stow and pick work hand-  
24 in-hand, you know, it's an intergraded process. We have to  
25 have flow that occurs with you know, that transaction. So this



1     associate here is picking. They're safely picking as we saw  
2     when they're using their ladder to get an item that is above  
3     their -- they'd have to -- can reach up using the ladder.  
4     But a picker will have five totes at their station, and  
5     essentially, as soon as they log in the picks that they are  
6     needed to process as we see this pod that came to -- came to  
7     this individual essentially, there's an item that is located in  
8     one of these bins that the pick associate is being directed by  
9     their screen to pull out. So essentially, what happens is the  
10    pod comes to the station, the bin actually gets -- there's a  
11    light that goes to the bin on where the item is located. They  
12    see the item description on their -- their -- their TV -- or  
13    their -- their computer screen. And essentially remove the  
14    item, perform a quality check. And then, depending on if it's  
15    a -- the right or left, there's a -- on their sled, there's a  
16    green light that's located on the sled that tells them where to  
17    place the item.

18           And so they will grab the item, place the item in the --  
19    in that tote underneath that green light. And essentially,  
20    after they place the item in the tote, hit the green light and  
21    that completes the pick transaction and that process. And a --  
22    a pick associate can have multiple picks out of a single pod  
23    facing, like, we see here as well too. Because they pick it to  
24    various processes.

25    Q     Okay. So let's -- let's go back and define a few terms.

1 You said sled, what's the sled?

2 A So a sled is essentially -- as we saw in the stow area,  
3 where the totes were inclined -- or sorry, declined, which --  
4 whichever one, that's the sled. So the staging area for the  
5 totes, for the associates to either work into or work out of,  
6 is what they're located on.

7 Q Okay. So while you're sitting here, let me see if I can  
8 get this right. So are we looking at the sled right now at  
9 5:41, with the totes sitting on it?

10 A Yes. That is -- that is what call the -- call those here  
11 at Amazon.

12 Q Okay. And so for these pickers, are there totes sitting  
13 there to the right of them that they are basically picking  
14 product and putting it in those totes?

15 A Yeah, it could be the right or the left, depending upon  
16 the station. Because we do have left -- left and right  
17 variations on the pick stations.

18 Q All right. And are those -- that series of tasks  
19 inside --

20 A Um-hum.

21 Q -- just play through, like, 5:30 to 46 again, so you can  
22 see them. Because that's actually where the picker starts  
23 going at 5:34 to 5:46. I want you to take a look at that.  
24 (Video played at 12:58 p.m., ending at 12:58 p.m.)

25 Q BY MR. JOHNSON: All right. And so are those tasks



1 performed at BHM1, I take it, just like they are at this  
2 fulfillment center (indiscernible)?

3 A Yes. Now, what I will say, so this individual is  
4 picking -- we have automated pick stations where the picker  
5 will push totes through. But this looks like a -- more of what  
6 a universal station would be in our building. But we do have  
7 this function within BHM1. It is -- but yes.

8 Q Okay. So let me ask you, are fulfillment associates  
9 assigned normally to perform that function among the other  
10 functions they're assigned?

11 A Yes.

12 Q Okay. And is that true day in and out at BHM1?

13 A Yes.

14 Q How about seasonal associates, when you have seasonal  
15 associates, are they assigned to that -- that same series of  
16 tasks you just saw?

17 A Yes.

18 Q Okay. Do they work in the same manner as -- in stowing,  
19 do they -- can they work side by side, side-by-side stations,  
20 seasonal associates as someone else in the (audio  
21 interference)?

22 A Yes.

23 Q And does that actually happen?

24 A Yes.

25 Q The -- and one last question here, just so the record is

1 clear. So if you go to 5:50, 5:51, 5:52, and you see the  
2 totes, are -- in BHM1, those would be yellow; am I right?

3 A That is correct.

4 Q And do the fulfillment associates pay -- what do they do  
5 after the tote is started -- well, is -- is at whatever  
6 capacity of the associate has?

7 A Yep. So if -- if a pick associate is at one of our 128  
8 automated stations, what they would do is when the tote is  
9 complete, they just push it through, which means that they just  
10 push it and then it -- there's a decline conveyor that is on  
11 the other side of the automated pick stations. And  
12 essentially, it slides onto the conveyance and goes to the next  
13 process.

14 Q Okay.

15 A If they are picking. If they are picking on a universal,  
16 we actually have a water spider that will come and -- and grab  
17 the totes and place those on a conveyor.

18 Q Now, you mentioned water spider a few times, so we should  
19 pro -- probably define that. What do you mean?

20 A So a -- a water spider is an individual that supports  
21 individuals that are stowing or picking in the -- in the  
22 fulfillment center.

23 Q Okay. And you also mentioned that pick is the customer of  
24 stow earlier; do you remember that testimony?

25 A Yes.



1 Q Okay. What do you mean by that?

2 A So the -- the way that the processes flow -- so all of our  
3 processes connect each other. So we have essentially, each  
4 processor relies on the other in order to be successful. So  
5 they're -- they're all intertwined, they all are -- they  
6 interact with each other.

7 So for example, if a stow associate has an item, they  
8 place it -- they scan, you know, they scan a bin that it's  
9 going to go into, but they don't place it in that bin  
10 appropriately. So what happens is, I have a bin -- so you'll  
11 notice that there's bar codes on the yellow -- essentially, on  
12 the yellow strip, which is the -- essentially, the bin number  
13 or location. And if a stow associate gets -- that's -- that's  
14 a good visual there. If -- if a stow associate --

15 Q So if we'll just mark it for the record. So are the bar  
16 codes you're talking about at 5 minutes and 49 seconds on this  
17 video; can you see that?

18 A Yes.

19 Q Okay.

20 A Yep, 3-F. So if a stow associate essentially -- say that  
21 they placed the -- they virtually stow the item to 3-F, but  
22 unfortunately put it to the adjacent bin, so our system  
23 recognizes virtual only. So what happens now is we have a  
24 virtual and physical mismatch. And now, let's say that the  
25 item we just put on there, now is available on our website and

1 an order is generated, this will go to a pick station, where  
2 the pick associates will be asked to grab, you know, whatever  
3 the item is from that particular bin.

4 And what happens is now, is if a pick associate goes to  
5 that bin, that item is not there. You know, they may see it  
6 next to the adjacent bin, they cannot pick -- they cannot and  
7 will not pick the adjacent item. They just need to look at  
8 what's in that bin and they'll have to mark the item missing.

9 And now, we now have an exception process, which is going  
10 to potentially have a negative impact on our customer. And  
11 now, it's going to require someone else now to try to correct  
12 that particular defect. As well as, now we are going to have  
13 to see if that inventory is located somewhere else within the  
14 building to fulfill that customer need.

15 Q All right. And -- and are those the only ways that pick  
16 is stow's customers, or anything else?

17 A So you know, it's -- from a -- a stow to pick perspective,  
18 it's the bin quality. So essentially, the way the stowers  
19 place inventory into the bins, can also set up our pick  
20 associates for success. So essentially, you know, if -- if a  
21 stower essentially has, you know, I want to say -- say they  
22 have an item that they lay flat, unfortunately slides out, now  
23 essentially, that inventory lays on the floor and block the  
24 drive that are on the floor. And essentially, now can slow up  
25 the pick process.

1           Because all these processes from receive, to stow, to  
2 pick, it -- they all flow together. And if there's a  
3 disruption that one of the processes create, now we have  
4 essentially stopped the other process and can't perform the  
5 function that is needed and can now have a negative impact  
6 downstream as well as on our customers.

7       Q     Do you ever have any kind of function or role that -- that  
8 manually counts what's in the bins of the pods?

9       A     Yes.

10      Q     And is that at your BHM1?

11      A     Yes.

12      Q     Okay. That's not -- I don't think that is in the video,  
13 but what's that function called?

14      A     So that is called our inventory quality assurance team.  
15 Essentially, what will occur -- so the example that I just  
16 walked you through, was a physical and virtual mismatch. The  
17 pick associate marked the item as missing. So now, that  
18 particular pod will go to a count associate to verify, you  
19 know, is the item there? And essentially, our system will  
20 generate counts to try to find that location and correct the --  
21 the defect.

22      Q     All right. Do fulfillment associates have that role at  
23 BHM1?

24      A     Yes.

25      Q     Is that a typical role that they'll fulfill?



1 A Yes.

2 Q So do seasonal associates also have that role at the HM1?

3 A Yes. Yes, they do.

4 Q So -- okay. And so when you have -- when you have  
5 seasonals, can they be working side by side at BHM1 on counting  
6 assignments with the fulfillment associates?

7 A Yes.

8 Q What -- how many different types of counts are there that  
9 these two types of associates, classes of associates would do?

10 A Yeah. So there is a -- a simple bin count, where  
11 essentially all we're counting is the number of items in the  
12 bin. There is a cycle count where we scan the bar code of  
13 every item in the bin. And then there's a simple record count,  
14 where we are looking for a particular item in a -- in a -- a  
15 particular bin. So we're physically looking for the item to  
16 scan it, are the three typical counts that we have.

17 Q And do those seasonal fulfillment associates perform all  
18 three of those counts?

19 A Yes.

20 Q Okay. You also mentioned something about virtually dirty  
21 versus physically dirty totes. Can you explain what you meant  
22 by that?

23 A Yes. So there are times where a stow associate, for  
24 example, may have a tote that essentially has virtually more  
25 inventory than what's physically in the tote, and so what will



1     happen is now that tote still has an item virtually tied to it.  
2     And so we have a -- a team that will go through and  
3     essentially -- so pick associates, they get that tote. They  
4     can't process into it. Our system recognizes it, so they have  
5     to put the tote to the side. And because, you know, our system  
6     just does not allow us to create more defects into that  
7     particular tote, so that tote has to be cleaned virtually in  
8     order for it to be used in another process.

9     Q     Okay. So let me -- let's look forward to another segment.  
10    We'll do packing now. So we're going to go forward to 6:44.  
11    Okay. Which starts off at actually 6:43 on the video and it  
12    can represent the second repacks. So I'm going to let you  
13    watch from that through 7 minutes and 12 seconds. And please  
14    pay attention carefully.

15    (Video played at 1:08 p.m., ending at 1:08 p.m.) All right.

16    Q     BY MR. JOHNSON: So let me stop it there at 7:14 actually.  
17    So do you see the task that the -- the -- the people were  
18    performing on the screen between 6:44 and 7:14 on this video  
19    segment?

20    A     Yes.

21    Q     Okay. And what is that called?

22    A     So this is our pack process.

23    Q     And did that process happen at BHM1 like the task you've  
24    just seen here from 6:44 to 7 minutes and 12 seconds on this  
25    video segment?

1 A Yes, it does.

2 Q And does the fulfillment associates, are they assigned to  
3 that role at BHM1?

4 A Yes.

5 Q Is that a typical everyday assignment for fulfillment  
6 associates?

7 A Yes.

8 Q When you have seasonals, is that a typical everyday  
9 assignment for seasonals?

10 A Yes.

11 Q Can they end up -- or do they end up at BHM1 performing  
12 this side by side in your packing areas?

13 A Yes.

14 Q Okay. Does packing -- there's several tasks involved, so  
15 can you cover -- or do you have anything that you consider to  
16 be in terms of packing, and then I'll ask you in a little bit  
17 about that?

18 A Yes. So from the process we just observed, essentially  
19 what happens is, an associate will receive a tote that just  
20 came from the pick process. So again, all these are -- are  
21 integrated -- integrated to each other. So they essentially,  
22 they're reliant upon having consistent flow coming through to  
23 the next downstream customer.

24 So the pack process, again, it's depending on pick, so  
25 essentially, what will occur is that this individual will get a

1     tote that is diverted on to conveyance. They will slide the  
2     tote down on a sled that they can pull inventory from. So  
3     essentially, as soon as they pull the tote -- so we can see  
4     here that the -- the black tote is by the individual's left  
5     hand, so essentially we have that same process, which is the  
6     yellow tote, so they take the item. Because our system knows  
7     essentially, as soon as they pull that tote down, there's a --  
8     it gets scanned and we know what inventory's in that tote.

9             And so essentially, the associate will grab the item, scan  
10     the item. And their computer screen in front of them will tell  
11     them what item -- or what type -- what box size that they need  
12     to place this item in. And so they will build the box. As we  
13     see, they're -- they're -- you know, the flat boxes that are in  
14     the top of the video, they will pull the recommended box, put  
15     the tape on the bottom, place the item in the tote.

16            The only difference that in this process compared to ours,  
17     so we notice that the -- that the associate here pulled paper,  
18     we have air pillows that we place in our boxes here at BHM1.  
19     So that is a little different part of the process. So we put  
20     the air pillows in the proc -- in the -- in the box more  
21     parceled as they called it here. And then essentially we put  
22     the appropriate amount of air pillows, then we seal the box.  
23     Our water taper provides us the tape to put on the top of the  
24     box. And then essentially, you know, we -- there is a bar  
25     code -- or a SKU label that is on the box. That is the final

1 step that we scan, we place the box on a conveyor, and it will  
2 go to the process that we saw that was slammed earlier.

3 Q Okay. And so let me ask you about these specific tasks.  
4 So do fulfillment associates and seasonal fulfillment  
5 associates utilize the same size boxes?

6 A Yes.

7 Q Do they use the same types of boxes that they're  
8 cardboard?

9 A Yes.

10 Q Okay. Do they both have to assemble the boxes?

11 A Yes.

12 Q Do they both use the same type of filler, these air  
13 pillows that you described?

14 A Yes.

15 Q Do they both have to do the applying the tape?

16 A Yes.

17 Q Do they also box multiple items as opposed to just single  
18 items?

19 A Yes.

20 Q And do they work side by side when they're performing  
21 those tasks?

22 A Yes.

23 Q All right. Let's take you forward to shipping, which is  
24 all the up, 8:34. And I'm going to have you watch 8:34 to  
25 9:08.

1 MR. JOHNSON: And as the -- just so the hearing officer is  
2 probably aware of these, we've -- I've got two segments left to  
3 go, so this is the ultimate one, and then I can turn over the  
4 screens here.

5 Q BY MR. JOHNSON: All right. So we'll watch 8:34 to 9:08.  
6 Please, pay attention, Mr. Maynard, while I run it forward.  
7 (Video played at 1:14 p.m., ending at 1:14 p.m.)

8 Q BY MR. JOHNSON: All right. Let me stop it at 9:08. So  
9 do you have a shipping area at BHM1 that uses some or all of  
10 the same process that you just saw in that video clip?

11 A Yes.

12 Q What's similar about your process to what you just saw  
13 from 9:08 -- I'm sorry, from 8 minutes and 34 seconds to 9  
14 minutes and 8 seconds?

15 A That's so -- I'll start with the -- the conveyor, the  
16 conveyance that we saw. So ours is similar. However, we do  
17 have different types of pushers that will push the box to  
18 either a pallet load -- loaded lane, or a fluid loaded lane.  
19 And so a fluid loaded lane essentially leverages a what we call  
20 a MaxxReach that extends into the trailer that an associate  
21 would be working in. But essentially what we observed here is  
22 one of the last and one of the final checks to ensure that  
23 our -- our customers get the product that they expect.

24 So we had associates that were placing boxes that we saw  
25 in these cages, we have that process within our building. We

1 have, I think, it showed associates placing -- moving boxes to  
2 pallets. We -- we have that process in our building. But  
3 essentially, you know, what we do is we will load up cages. We  
4 will stage them to get loaded into trailers in order to get  
5 them out of the building.

6 Now, the -- the piece that is the important structure here  
7 is ensuring that there is coordination from a staffing  
8 perspective. Because if our ship dock essentially is -- does  
9 not have the appropriate staffing or is set up correctly,  
10 essentially we can shut down the pack operation. Which in  
11 turn, will shut down the picking operation. So again, all  
12 these are integrated within each other. And it is all based  
13 off flow. So the ship dock is key in keeping the fulfillment  
14 center running. And so everything that we observed here, the  
15 cages, the conveyance, definitely are -- or what we have at  
16 BHM1.

17 Q So I'll ask a few specific questions. The -- at 8:36 --  
18 okay, so right at 8:36, there's a conveyer belt where boxes  
19 come down, parcels I guess come down into the shipping area.  
20 Does that -- and associates scan them? Does that happen in  
21 your work, like, at BHM1, too?

22 A Yes. Yes.

23 Q Okay. And do both fulfillment associates and seasonal  
24 associates perform that task?

25 A Yes.

1 Q And do the parcels get pushed to rollers in your shipping  
2 area in BHM1 like you'll see at -- well, the very next segment  
3 8:49, to 8:50?

4 (Video played at 1:17 p.m., ending at 1:17 p.m.)

5 Q BY MR. JOHNSON: I'll -- I'll just stop it so you can see  
6 what I'm talking about. Like that (simultaneous speech) --

7 A Yeah, we -- we -- we have cages that we place inventory  
8 in -- or the packages or parcels into. Ours are a little  
9 different but the concept is still the same.

10 Q Okay. Do associates have the duty of taking those off --  
11 off the rollers and packages as they come down?

12 A Yes.

13 Q And are those both seasonal and fulfillment associates?

14 A Yes.

15 Q Do they work side by side during that process?

16 A Yes.

17 Q Do they also move pallets around, both -- both job  
18 classifications?

19 A Yes.

20 Q Do they also load the carts that you see with those  
21 packages and move them around?

22 A Yes.

23 Q And moving pallets and carts, do they perform their work  
24 side by side?

25 A Yes.

1 Q Okay. Is there anything that you saw on that 8:34 to 9:08  
2 segment that seasonal associated don't do when they're assigned  
3 to the shipping dock?

4 A I did not see it. I did not see any functions.

5 Q Okay. So just so the record's clear, you did not see  
6 anything that seasonal associates do not do when they're  
7 assigned to the shipping dock; do I have that right?

8 A Yes, that's correct.

9 Q All right. Now, let's do the last segment, which is going  
10 to be on the actual loading.

11 (Video played at 1:19 p.m., ending at 1:19 p.m.)

12 MR. JOHNSON: (Audio interference). Hopefully, the  
13 hearing officer can still hear okay. Great.

14 Q BY MR. JOHNSON: Okay, so we're at 9:10. So I'm going to  
15 play 9:10 through 9:23, and then that will be it for these  
16 segments of this video.

17 So Mr. Maynard watch 9:10 to 9:23 carefully. Thank you.

18 (Video played at 1:19 p.m., ending at 1:19 p.m.)

19 Q BY MR. JOHNSON: All right. So actually ran it through to  
20 9:26. But let's take it all the way back to the beginning.

21 (Video played at 1:20 p.m., ending at 1:20 p.m.)

22 Q BY MR. JOHNSON: All right. So we're at 9 -- sorry, we're  
23 at 9:11 -- or 9:10 on the video. And we're looking down at the  
24 fulfillment center. What are we looking at?

25 A So this is actually going to be the -- the truck yard



1     where we have trailers that are staged, as well as trailers  
2     that are essentially engaged to dock doors.

3     Q     Okay. By engaged to dock doors, are those the ones on the  
4     left side of the -- of the -- to where is the trailers?

5     A     Yes. The ones that are in dock doors, yes, those would be  
6     the -- those would be the -- the trailers, yes.

7     Q     And when you say engaged, what do you mean?

8     A     So essentially, our TOM team will move these trailers to  
9     the designated doors based off the coordination that occurs  
10    with our ship dock team, which include -- could include our  
11    ship clerk, our PA, our area -- our ship area manager, or the  
12    ship ops manager that is on -- that is on premise. And  
13    essentially, will push the trailer into the door. And what we  
14    perform is a process to secure the trailer, which occurs from  
15    the inside of the building where we will engage a -- a dock  
16    lock, which locks the trailer to ensure that it cannot be  
17    pulled or moved, and our associates can safely work in that  
18    trailer.

19    Q     All right. Let me ask this question, are the containers  
20    flush with the building at that point in time?

21    A     Yes, they are.

22    Q     So is it your testimony that they're not actually attached  
23    to the building at this -- at this time when they're being  
24    loaded, unloaded?

25    A     That is correct.

1 Q All right. And you testified that this dock -- about this  
2 dock lock; what is that?

3 A So essentially the dock lock will go underneath the  
4 railing on the trailer to lock it in place. And we have a  
5 mechanism inside that lets us know when that dock lock is  
6 engaged. And so essentially our -- our team inside coordinates  
7 with our TOM team essentially, that if they, you know, please  
8 pull this trailer into dock door 153. And the TOM team will  
9 grab the trailer, place it in the door, and then again, I'm  
10 assuming an empty trailer, and essentially will back it into  
11 the door safely and square, and essentially will pull out the  
12 truck underneath the trailer, engage essentially the landing  
13 gear and ensure that the trailer is secure from the outside.

14 And then we'll radio to the team inside that they have --  
15 the trailer's in the door, please engage the dock lock. And  
16 also we have a dock plate that is also located inside the  
17 building. So essentially, the dock plate gets lifted up and  
18 placed inside the trailer. And we have a light system that  
19 tells us green means it's been secured, you can enter the  
20 trailer. And all of our associates are trained to -- to  
21 realize that and to look for that to ensure that they're safe.

22 Q Right. Let me ask you a basic question, I probably  
23 should've started this off with. Is the -- what we're looking  
24 at here in 9:10, is that basically the same setup at BHM1,  
25 that the trailers come in flush?

1 A Yes.

2 Q All right. And why is it important that you have the dock  
3 locked and basically the dock plate and the attachment to your  
4 operations, if at all?

5 A Yeah, so -- yeah, so we don't have, you know, a -- a  
6 docking mechanism that goes outside the building. And so  
7 essentially all the docking occurs within the building itself.  
8 So it's to ensure the safety of our associates. We control  
9 from within essentially making sure that all the mechanisms are  
10 in place to allow our associates to go work safely inside these  
11 trailers.

12 Q Thank you. So let me advance it a little bit and ask you  
13 a few particular questions about the rest of this. So at  
14 9:14 -- well, let's take it to 9:14. Who are the people in the  
15 orange that -- you got people in orange vests like this on your  
16 TOM team at BHM1?

17 A So it needs to be a class 2 vest. So as long as it's a  
18 class 2 vest, then it's acceptable. Most of ours have the --  
19 have a yellow vest that are out there. But similar position,  
20 but ours -- ours have yellow.

21 Q Okay. So would this be that they're -- your TOM team  
22 would be the same, except you would all have yellow vests; am I  
23 correct?

24 A Yes.

25 Q Okay.

1 A Yes.

2 Q All right. So let's go -- advance a little farther, it  
3 gets you 9:18.

4 (Video played at 1:25 p.m., ending at 1:25 p.m.)

5 Q BY MR. JOHNSON: Okay, so we're at 9:18 on the video.  
6 We're looking at someone with a cart full of packages looking  
7 at a door that says 81 on it. And I want to ask you a few  
8 things about this. So where's that -- where -- where are we  
9 right now? Well, first off, do you have an area like this  
10 inside BHM1?

11 A Yes.

12 Q Okay. And what is that area called?

13 A So this would be our ship dock.

14 Q And is that inside the building?

15 A Yes.

16 Q Okay. And so where does door -- let's just imagine that  
17 it's the -- we're looking at one of the doors in BHM1 and it's  
18 at door number 81 out here in England. Where does door 81 go?

19 A So essentially it's going to go into a trailer that our  
20 TOM team has placed in -- in the door area of 81. And  
21 essentially they have secured it from the outside. And our  
22 TOM -- our team inside has secured it as well as there's a  
23 green light that you can see to the left of the gentleman there  
24 on the wall.

25 Q Let me see. If I'm pointing to one of these green lights

1 right now, that I can see on the mouse?

2 A Yep.

3 Q Okay. So what does that green light indicate on this  
4 apparatus to the left of the worker?

5 A So a green light means that the trailer is essentially,  
6 the dock lock is engaged, is what the green trailer -- is what  
7 the green light means. So it -- it -- it engaged  
8 appropriately. And so that is one of the indicators that  
9 the -- the trailer is secured.

10 Q All right. And so at that point can people enter the  
11 trailer who are inside shipping dock?

12 A Well, so what occurs is, we have associates that will  
13 perform a check of the door. So they will make sure the dock  
14 lock's engaged. They will lift the, essentially the dock plate  
15 so associates can walk on directly onto the trailer. And they  
16 will lift the dock door.

17 Q All right. And then, what -- you mentioned a dock plate  
18 earlier in your testimony, can you see that on this image at 9  
19 minutes and 18 seconds?

20 A Yes. It is the darker gray area as in front of the  
21 associates. You can see a little bit of yellow and black tape  
22 around it. But that would be a dock plate.

23 Q All right. And so is this what I'm pointing to you right  
24 now with the mouse that -- that has this safety tape around it;  
25 is this the dock plate?

1 A Yes.

2 Q All right. And so -- let me ask you about some of the  
3 duties that are going on here. So do you have -- fulfillment  
4 associates actually move these carts in -- full of packages,  
5 into trucks as part of your shipping function?

6 A Yes.

7 Q Do seasonal associates do that too?

8 A Yes.

9 Q When they're doing that, are they, you know, working side  
10 by side on different days, for example?

11 A Yes, they work side by side.

12 Q Okay. And you mentioned there's a Maxx conveyor belt that  
13 you use for fluid loading. Can you explain how that would  
14 be -- well, let me -- let me run it forward a little bit more.  
15 This is a little tricky, because there's a few seconds.

16 (Video played at 1:27 p.m., ending at 1:27 p.m.)

17 Q BY MR. JOHNSON: Okay. So here's -- on 9 --

18 MR. JOHNSON: Excuse me, everyone.

19 Q BY MR. JOHNSON: At 9:20 on the screen, you can see a cart  
20 that you see it travel forward into something. What's it  
21 traveling into?

22 A So it is going into a trailer at this point.

23 Q Okay. And do you -- by trailer, you mean a truck trailer?

24 A Yes.

25 Q Okay. So it goes right straight in; am I right?

1 A That is correct.

2 Q Okay.

3 A That is correct.

4 Q And are the carts moved directly onto the truck at BHM1 at  
5 times?

6 A Yes.

7 Q Okay. And how does the Maxx conveyor different from that?

8 A Yep. So a Maxx conveyor essentially allows us to fluid  
9 the load, which essentially means place the parcels on the  
10 floor of the trailer. So the MaxxReach actually extends into  
11 the trailer. And the associate controls essentially how far  
12 the MaxxReach comes into the trailer. So essentially, they can  
13 grab the -- grab the parcels and essentially minim -- minimize  
14 the -- the steps they have to take. And if they continue to  
15 feel the trailer can move, the Maxx reaches back further and  
16 further to continue to fill the trailer up.

17 So essentially again, the pack -- the cartons come  
18 directly to them, or the parcels, and place them on the floor,  
19 stack and build a wall, and then just gradually build walls  
20 throughout the trailer. (Simultaneous speech) --

21 Q And so do BHM1 -- I'm sorry, you can go ahead. I didn't  
22 mean to interrupt you.

23 A No, I'm good.

24 Q Okay. So at BHM1, do fulfillment associates perform that  
25 task?

1 A Yes.

2 Q Okay. And how about seasonal associates when they're  
3 present, do they -- do they perform that task?

4 A Yes.

5 Q And just so the record is clear, is it your testimony  
6 there's no separate building or structure or piers sticking out  
7 from BHM1 that you use as your docking function?

8 A No, everything is internal.

9 Q Okay. And so everything occurs inside the building at  
10 that point?

11 A Correct.

12 Q Okay. All right. I -- that is it for this.

13 MR. JOHNSON: So I'm going to stop screensharing and just  
14 ask Bailiff Kimber if that has successfully been accomplished,  
15 and she now has the time? Is that good? No more screensharing  
16 for me?

17 MS. KIMBER: Yeah, we're back to the no screensharing.

18 MR. JOHNSON: Okay. So in that case, I just wanted to  
19 inform you, I mean, there were some indications that might've  
20 been something going to waiting room at some point? But I  
21 don't really feel authorized to let them in or out. So you may  
22 want to check on that.

23 So just so I understand this, so you all can't see my  
24 screen anymore, it's just my -- me, my face; is that correct?

25 MS. KIMBER: Yes, you're correct. We're back --





1 MR. JOHNSON: Okay.

2 MS. KIMBER: -- to the video of all the -- depending on  
3 your screen view, we're back to the video of the people.

4 MR. JOHNSON: So we're -- great, we're back to normal, or  
5 Zoom normal as it goes.

6 I -- you know, I have obviously further testimony from  
7 this witness. Madam Hearing Officer, I don't know what your  
8 pleasure is in terms of when you want us to break so the Union  
9 can review documents, so parties can take lunch, so we can go  
10 back and forth on a proposed hopefully consent order, all that.  
11 And I can get back to you on the 1215 numbers, all that  
12 exciting and fun stuff. But I just want to bring that up now.

13 HEARING OFFICER MEYERS: How much more time do you have of  
14 this witness on direct?

15 MR. JOHNSON: Well, a lot. I'll put it to you this way  
16 is, I'm not close to being done, because there's a lot stuff  
17 that wasn't on the video that we have to talk about.

18 HEARING OFFICER MEYERS: Okay. How long do you anticipate  
19 the rest of your direct will take?

20 MR. JOHNSON: I think it may go the entire day, at this  
21 point, given the pace.

22 HEARING OFFICER MEYERS: Okay. Then let's take a break.  
23 How long do the parties think they'll need to review the Board  
24 Exhibit Number 2? I think that we will allow you guys to  
25 discuss potential stipulations with regards to Unit

1     classifications after hours, rather than taking up valuable  
2     time during the day. But I would like to get the signed Board  
3     exhibit. In addition, you have sent the documents that you're  
4     about to produce for this witness to the Union; is that  
5     correct?

6             MR. JOHNSON: It is my belief that the exhibits should be  
7     on the way. I mean, I wasn't able to look at my email to make  
8     sure. Oh, the court reporter --

9             Okay, so Geoff, have you sent the exhibits to the court  
10    reporter?

11            MR. ROSENTHAL: Yes.

12            MR. JOHNSON: Okay. So I think everyone should have them  
13    by now. I -- I myself, need to crack them open and print them  
14    out. So that's going to take, like, five or ten minutes  
15    itself.

16            HEARING OFFICER MEYERS: Oh, I'm trying to start -- the  
17    barking dogs in the background as the holiday delivery is  
18    continuing unfortunately.

19            Let's take 45 minutes. Is that enough time for you guys  
20    to get that sign -- it's -- I would say a half hour, but I  
21    don't want to rush everyone. Is a half hour sufficient?  
22    How --

23            MR. JOHNSON: Can you give me --

24            HEARING OFFICER MEYERS: I don't know how long the package  
25    of documents are, because it was taking forever to open, so.

1           MR. JOHNSON: Right. They're not -- there are a lot of  
2       photos in there, which is I think what -- there are photos in  
3       there, which I think is what's about -- blows up the file size.  
4       But at the end of the day, I just need to print them out and so  
5       forth and so on. So that's going to take, like, ten minutes.  
6       So if I could ask for, like, between, you know like, 40 and 60  
7       minutes, that would be great.

8           HEARING OFFICER MEYERS: 45.

9           MR. JOHNSON: I understand.

10          HEARING OFFICER MEYERS: Because that's sufficient.

11          MR. JOHNSON: It's cold.

12          HEARING OFFICER MEYERS: All right. I will grant you 45  
13       minutes, which actually gets -- actually, I'm going to grant  
14       you 40 minutes, because that gives me a nice round 2:15 to come  
15       back.

16          MR. JOHNSON: All right.

17          HEARING OFFICER MEYERS: So my suggestion would be --  
18       even -- I would not log out, because you will have to log back  
19       in. So you can turn off your camera, take your break, mute  
20       your screen. But obviously, I'm not going to close this,  
21       because apparently it will close whole the thing and then we  
22       have to get somebody else started. So we will re -- with that  
23       in mind, we are off the record. And we'll reconvene at 2:15.

24          THE COURT REPORTER: We're off the record.

25       (Off the record at 1:35 p.m.)

1 HEARING OFFICER MEYERS: Okay. All right. With that  
2 said, let's -- let's go ahead and go on the record.

3 And Mr. Maynard, you are still on the stand and you are  
4 still under oath. Do you understand the oath?

5 THE WITNESS: Yes.

6 HEARING OFFICER MEYERS: All right. And Mr. Johnson,  
7 please proceed.

8 MR. JOHNSON: All right. Thank you, Madam Hearing  
9 Officer.

10 **RESUMED DIRECT EXAMINATION**

11 Q BY MR. JOHNSON: What I'd like to do is just since we've  
12 been talking about video, and images, and all that, for  
13 purposes of keeping that block of testimony together, let's  
14 turn to -- did you get the exhibit file first of all? Sorry,  
15 in a nontraditional Zoom format, I have to ask that for  
16 everybody. So do you have it, Mr. Maynard?

17 A Which file are you referring to?

18 Q It's the one -- it should have said Travis Maynard  
19 exhibits. And it has ten photos and a -- something that --  
20 another file that says BHM1 map demonstrative.

21 A I'm -- I'm aware of those. I've seen those images.

22 Q Okay. Will you -- okay. Well, we're going to have to go  
23 through them because they're exhibits. So if you could --

24 MR. JOHNSON: Let me ask the counsel for the Petitioner  
25 and make sure they have all of them. Do you all have them?

1 MR. ROUCO: Yes, I believe we do.

2 MR. JOHNSON: Okay.

3 UNIDENTIFIED SPEAKER: Yes. I have them.

4 MR. JOHNSON: Yeah. If you can crack them open. And does  
5 the Hearing Officer have them?

6 HEARING OFFICER MEYERS: I do somewhere. It's a matter of  
7 finding them. They were zipped and opening. And then I opened  
8 others.

9 MR. JOHNSON: Sure.

10 HEARING OFFICER MEYERS: Yes. I do.

11 MR. JOHNSON: Okay. And does the court reporter have  
12 them?

13 THE COURT REPORTER: Okay. Which --

14 MR. JOHNSON: There should have been a file that says  
15 Travis Maynard exhibits zipped. I think it says zipped. But  
16 it says Travis Maynard exhibits.

17 THE COURT REPORTER: Were they emailed to me by anyone?

18 MR. JOHNSON: They -- that should have been the case. But  
19 if that hasn't happened, I'm sure somebody will be doing that  
20 really quickly.

21 THE COURT REPORTER: Yes. I will need those emailed --

22 MR. JOHNSON: Okay.

23 THE COURT REPORTER: -- emailed to me.

24 MR. JOHNSON: Jeff, can you shoot those over so our court  
25 reporter has them?

1 MR. ROSENTHAL: Yes. I will resend them. I think you  
2 acknowledged receiving them. But I will resend.

3 MR. JOHNSON: Okay. And just tell me --

4 HEARING OFFICER MEYERS: Yes.

5 MR. JOHNSON: -- Madam --

6 HEARING OFFICER MEYERS: They come up -- you'll see,  
7 "Attention, Court Reporter". Madam Court Reporter, do you see  
8 an email that came in, "Attention, Court Reporter"?

9 THE COURT REPORTER: Okay. Yes, I'm -- I did receive  
10 those. Yeah, if I acknowledged those.

11 MR. JOHNSON: Okay. So if you crack open -- if everybody  
12 cracks open the first one, we'll just talk about that for a  
13 little bit.

14 UNIDENTIFIED SPEAKER: Are we back on the record?

15 MR. JOHNSON: Oh, that's a --

16 THE COURT REPORTER: Yes. We're on the record.

17 MR. JOHNSON: -- that's a good point. Otherwise, we're  
18 going to have to redo this whole thing.

19 THE COURT REPORTER: No, we've been on the record.

20 MR. JOHNSON: Great. Great.

21 Q BY MR. JOHNSON: So Mr. Maynard, good to see you back  
22 again. Before, you were sent a computer file that has within  
23 it a folder. And within that, ten photos and a demonstrative,  
24 the map. And so we're going to talk about those since we just  
25 talked about the video evidence to keep all the videos and

1 photos together. Are you ready -- are you prepared to discuss  
2 a few photos with me?

3 A Harry, do you plan to display the photos?

4 Q No. We're just going to go through them the traditional  
5 way.

6 A Okay, because I don't have -- I do not have my email  
7 opened to view the photos.

8 Q Oh, all right. Well, in that case, do you want to --

9 MR. JOHNSON: I'm sorry, can we go off the record, Madam  
10 Hearing Officer, so he can just print them out?

11 HEARING OFFICER MEYERS: Off the record.

12 (Off the record at 2:36 p.m.)

13 HEARING OFFICER MEYERS: Mr. Maynard, you're still under  
14 oath.

15 I'm going to turn him over to you, Mr. Johnson.

16 MR. JOHNSON: Thank you very much, Madam Hearing Officer.

17 **RESUMED DIRECT EXAMINATION**

18 Q BY MR. JOHNSON: So I want to -- you have a -- at this  
19 point, you have a number of physical exhibits in front of you.  
20 And hopefully, you've got them in order. But if you don't,  
21 we'll work through it. It's just depending on how they spat  
22 out of the printer. The first exhibit I'll represent to you is  
23 a photograph of a number and boxes on a roller conveyor, which  
24 looks like it's going into a trailer. And there is one of  
25 the -- what looks -- appears to be a yellow fan in the upper-

1 right of the photo. And that is what Exhibit 1 is supposed to  
2 be. So do you -- have you located that photo?

3 A Yes. I have it.

4 Q Okay, great. Are you familiar with what this depicts?

5 A Yes. This is actually our inbound dock unloading process.

6 Q Okay. And that -- that piece wasn't covered on the video.  
7 But -- so can you explain what is happening here?

8 A Yup. So the -- the first step actually is actually  
9 that -- that coordination between our TOM team and our inbound  
10 dock clerk of getting a trailer on the yard essentially backed  
11 in to a particular door for us to be able to process.

12 So that's the first step prior to getting to this. So  
13 essentially, the coordination has to occur where we know which  
14 door we're going into, and that we're processing the  
15 appropriate truck because we do have -- we process by what we  
16 call a priority score where essentially, it means that we need  
17 to process truck quickly. So coordination between the TOM  
18 team, as well as that dock clerk is imperative to ensure that  
19 we get the right volume into the door.

20 Q And --

21 A And -- go ahead.

22 Q Sorry. I was -- I didn't want to cut you off. But I just  
23 wanted to -- to say, is there a truck contained here in this  
24 photograph? Just --

25 A Yes.



1 Q Okay. And so where is that? Is that what the -- well,  
2 you -- you tell me, where is that?

3 A Yeah. So essentially, the -- the flex conveyor is leaned  
4 into the -- the trailer that has been backed into the door and  
5 has been safely secured.

6 Q Okay. And that -- the -- the conveyor is actually called  
7 a flex conveyor?

8 A It is a powered flex conveyor. There is an associate that  
9 will be in the trailer placing items on this powered flex  
10 conveyor.

11 Q But you -- that person's not there? You just can't see  
12 them in the photo; is that fair?

13 A Yes. That would be fair.

14 Q Okay. And then -- then is this basically receiving, how  
15 it starts?

16 A So yes. This is the precursor to the receive process.  
17 Within -- these boxes are essentially going to be leading to a  
18 conveyor that will lead to our receive associates to be able to  
19 process, or our receive/decant associates be able to process.

20 Q All right. And there -- there's a device that I was  
21 guessing was a fan in the upper-right hand; am I right?

22 A That is correct. That is a fan, and a light, as well.

23 Q Oh, and so what's the purpose of that?

24 A So essentially, it's to keep the -- the trailers cooler,  
25 especially, you know, during the summertime. As well as the

1 light if the associate feels that they need a light in order to  
2 see into the trailer. So for the associate -- for the safety  
3 of the associate, that's what the -- that is there for.

4 Q All right. And do fulfillment associates perform those  
5 tasks inside the trailer on the --

6 A Yes.

7 Q -- receiving side? And --

8 A Yes.

9 Q -- are there any seasonal fulfillment associates who get  
10 assigned those tasks, as well?

11 A Not that I'm aware of at this point.

12 Q Okay. So that's one thing they don't do. When do  
13 seasonal associates first pick up -- first -- you first see  
14 them in the process after these boxes come in?

15 A So it -- so it -- it's in the receive process and decant  
16 process. Typically, the associates that perform this process  
17 have been with us for an extended period of time, which doesn't  
18 mean that essentially a seasonal FA -- essentially, when they  
19 get more tenure and get through their learning curve, couldn't  
20 be -- they could be asked to perform this function.

21 Q Okay. On the flex conveyor?

22 A Yes.

23 Q Just so the record's clear. Okay.

24 A Yes.

25 Q All right. So with that, I would -- and -- and this is

1 just -- so the record's clear, I mean, is -- is this on the  
2 ship dock?

3 A No. This is on the inbound dock.

4 Q Oh, sorry. The in -- so this would be the receive dock?

5 A Yes.

6 Q Okay. And are they -- where physically are they located  
7 compared to each other?

8 A As far as the ship dock and receive dock?

9 Q Yes, sir. The ship dock versus the receive dock, if you  
10 recall.

11 A Oh, okay. So -- so the receive dock would be on the --  
12 essentially the northwest side of our building. And then the  
13 ship dock would be north, and then the northeast of -- or  
14 sorry, the -- the north and northwest side of the building,  
15 sorry. And receive would be on the northeast side.

16 Q Okay.

17 A Sorry.

18 Q No, that's fine. I get stuff confused all the time  
19 myself.

20 MR. JOHNSON: All right. So with that, I would like to  
21 move Employer Exhibit 1 into evidence.

22 HEARING OFFICER MEYERS: Any objection from the  
23 Petitioner?

24 MR. ROUCO: No objection.

25 HEARING OFFICER MEYERS: Employer's Exhibit 1 is received

1 into evidence.

2 **(Employer Exhibit Number 1 Received into Evidence)**

3 Q BY MR. JOHNSON: And then let me take you to Exhibit 2.  
4 So just so we're all talking about the same exhibit. In the --  
5 sort of the center field, there appears to be a cylindrical  
6 trash can. And it is behind what looks to be a series of  
7 rulers. Do you see the photo that I'm talking about?

8 A Yes.

9 Q Okay. And there -- there -- it looks like it's -- it's  
10 next to some workstations of some kind. So let me ask you some  
11 questions about that. Are you familiar with the -- what this  
12 detects?

13 A Yes.

14 Q And -- and so what is it?

15 A So these are actually our -- essentially our decant  
16 stations, which is part of the inbound operation.

17 HEARING OFFICER MEYERS: I'm sorry, I don't mean to  
18 interrupt you. Did you say decant? Like decanting wine,  
19 decant?

20 THE WITNESS: Yeah. Decant. Where essentially we (audio  
21 interference) from one box and place, and we put it in a tote.

22 HEARING OFFICER MEYERS: So yeah, I just wasn't sure what  
23 word it was.

24 MR. ROUCO: And decant? Okay. I apologize. I didn't  
25 mean to interrupt.

1 MR. JOHNSON: No, that's fine. I mean, just so the  
2 record's clear because there's a little warble there.

3 Q BY MR. JOHNSON: You do spell the word, D-E-C-A-N-T; am I  
4 right, Mr. Maynard?

5 A Correct.

6 Q Okay. So packages are like fine wine.

7 A Yes.

8 Q The -- so -- so this is the decant process. Let me ask  
9 you a few questions about that process since we're here. What  
10 does that mean?

11 A Yup. So as we see that the flex conveyor -- the powered  
12 flex is in this picture. So essentially, these boxes --

13 Q Can I just stop you?

14 A Go ahead.

15 Q Just so -- we've got to identify, like, each item in here  
16 you start talking about. So where is the power flex in this  
17 picture?

18 A So that is the rollers that would be in the bottom portion  
19 of the picture --

20 Q Okay.

21 A -- of the powered flex conveyor. This powered flex  
22 conveyor ties into the receive line or decant line, which is  
23 not pictured here.

24 Q Okay. Well, what are the -- sorry, keep going.

25 A So essentially, what will occur is that these cartons that

1 are on this powered flex conveyor will flow into the conveyor  
2 that is between -- because we have stations here. You see 217,  
3 215, 213. So on the other side, there is a 216, 214, 218. So  
4 we have stations on both sides. And what I consider a station,  
5 if you look under 2-17, essentially, you see a station setup.

6 Q Okay. And can you explain the gear in that station and --

7 A Yes.

8 Q -- how it's used? Okay.

9 A Yes, absolutely. Absolutely. So -- so what we have -- so  
10 there's a -- a monitor that is located on the -- so the black  
11 box that has the gray at the bottom portion of it, essentially,  
12 in front of that is a monitor. And associates essentially will  
13 grab -- we see the two totes in the floor -- would have two  
14 totes at their station. And what they would do is they  
15 actually scan the tote.

16 And then to -- so if I'm looking at station 217, that  
17 would be product that is on a roller conveyance -- or that is  
18 to their left. So they're -- they would grab the box with both  
19 hands, slide it to their station. They would scan the  
20 barcode -- the red barcode that is on the outside of the  
21 carton. And would essentially remove those items and place  
22 them in one tote. And if there was more inventory that  
23 couldn't fit in that one tote, they would place it in the  
24 second tote. Upon completing one transaction -- so we'll say  
25 one tote, they will scan that tote that is complete. And if

1     you look closely, there is a conveyor that is declining. So  
2     above the blue container, at the bottom right hand corner,  
3     there is a conveyor that is a declined conveyor. So the  
4     receive associates -- the decant associates will push the tote  
5     onto this decline conveyor. And it will roll on -- roll down.  
6     And there's a -- a guard that stops it about a third of the way  
7     up. And then essentially releases it to a conveyor that takes  
8     the inventory or the tote to our -- our stow associates.

9     Q     Oh, okay. So it goes right from the decant associates to  
10    the stow associates?

11   A     Correct.

12   Q     Via conveyance?

13   A     Yes.

14   Q     All right. So just a few follow-up questions. So the  
15   yellow boxes that you see here, those are totes?

16   A     Correct.

17   Q     And they're all -- sort of all over the -- you can see  
18   them all over this photograph. Are those all totes? All those  
19   yellow items?

20   A     Yes. And red ones. Yes.

21   Q     Okay. And just so I understand where this decline is, it  
22   looks like there's an upside down box. I can't read what it  
23   says on it. But just a normal brown box. Is that on the  
24   conveyor or is that something else?

25   A     No.

1 Q No?

2 A That is actually the -- the work surface. So that would  
3 have been a box that an associate would have slid over because  
4 if you look to the right of that box, there's actually a  
5 decline -- a piece of metal where an associate will slide their  
6 box down that.

7 So essentially, no lifting becomes required for these  
8 associates to perform this function. So they pull it with two  
9 hands and slide it right to their -- their work area.

10 Q And so does the tote go up on that area, too?

11 A Yes.

12 Q Okay. And then when the tote's full, it goes on the  
13 decline conveyor, do I have that right?

14 A That is correct. And the -- the cardboard essentially --  
15 so let's say that there's items in that cardboard. Up above --  
16 it's hard to see, but there is a takeaway conveyor for all the  
17 cardboard. So that way it doesn't congregate around the  
18 associate's workstation. But there is a takeaway conveyor that  
19 associates can lay the cardboard on -- on it to take away.

20 Q Whose job is it to take away the cardboard?

21 A So the associates use that conveyance to take away the  
22 cardboard.

23 Q Right. But does it -- I mean, the cardboard ends up  
24 somewhere, right?

25 A We have a -- we have a baler that essentially it goes



1     into. So an associate in this process essentially just places  
2     the boxes on the conveyor. The conveyor leads into the baler,  
3     which again, crushes the -- the corrugator or cardboard.

4     Q     All right. And -- and -- but is there a job  
5     classification that deals with the baler and, you know, the  
6     corrugating cardboard?

7     A     So that will be our -- our janitorial service, KBS.

8     Q     Okay. And is that contracted out?

9     A     Yes, it is.

10    Q     So the -- let's talk about the decant process. So are  
11    these known as decant stations, or what are they known as?

12    A     So majority of what we do in this building is decant. So  
13    yes, they would be decant stations. We do some receive.  
14    But -- but these ones we're seeing I would classify as decant  
15    stations.

16    Q     Okay. And so work in the decant stations, the fulfillment  
17    associates, are they assigned this role?

18    A     Yes.

19    Q     Are seasonal associates also assigned this role?

20    A     Yes.

21    Q     And when seasonal associates are present in this facility,  
22    are they working side by side with fulfillment associates on  
23    this role?

24    A     Yes.

25    Q     And it looks like there's another story above this, or

1 more than one story. It's a little hard to see. But let --  
2 let me just talk about whether -- do you see the yellow railing  
3 on top?

4 A Yes. I do.

5 Q What -- what is that?

6 A So that would actually be the -- that's one of our -- our  
7 Amazon robotics floors is what you would see there.

8 Q Okay. So that's on one of the levels where you have that?

9 A Yes.

10 MR. JOHNSON: All right. With that, I'd like to move  
11 Employer Exhibit Number 2 into evidence.

12 MR. ROUCO: No objection.

13 HEARING OFFICER MEYERS: Thanks. Hearing no objection,  
14 Employer's Exhibit 2 is admitted.

15 **(Employer Exhibit Number 2 Received into Evidence)**

16 Q BY MR. JOHNSON: All right. Let's turn to 3. And 3  
17 should be -- it's kind of hard to view a lot of the totes on  
18 here. It's basically two stacks of totes lined next to each  
19 other, or resting next to each other in front of some kind of  
20 machinery. Do you see that --

21 A Yes, I do.

22 Q -- exhibit? Okay. And so that's marked as Exhibit 3.  
23 And so in -- what are we looking at here?

24 A So this is essentially the -- a better view of the station  
25 we looked at in the previous picture.

1           So as you can see now, you have the conveyor where  
2           essentially -- which is in the center of the picture.  
3           Typically what will happen is there will be boxes that are on  
4           this conveyor. And associates pull the box down the decline  
5           onto their workstation. We have totes that are moved to these  
6           stations by water spider associates that support the associates  
7           that are performing the receive/decant process.

8           So the receive associates do not leave their station to --  
9           to grab empty totes. And essentially, we can't see -- and you  
10          can see the conveyor at the bottom of the picture, which is  
11          underneath the workstation. That is the conveyance that takes  
12          away the totes to the -- the areas that stow associates are  
13          working. And you can actually see in this picture the third  
14          conveyor that is the -- the corrugate takeaway, as well.

15          So it's a -- it's a good view of essentially where  
16          associates place their corrugate and where they place their --  
17          their -- where their totes go to.

18       Q     Okay. So the top conveyor brings in boxes from the  
19       trucks? Do I have that right?

20       A     No. The -- no. The top conveyor that you see,  
21       essentially take -- takes away empty cardboard --

22       Q     Now --

23       A     -- that associates want removed. The middle conveyance --  
24       the roller conveyance here is where the product will be, the  
25       boxes will -- will be located. And then the lowest conveyance

1 is where the totes that have been -- inventory's been placed  
2 into will flow into -- to go to the -- the downstream customer,  
3 which is the stow associate.

4 Q Okay. So I think that is pretty clear to me except for  
5 one thing. I don't see how the boxes -- which conveyor would  
6 actually reach this workstation to get the boxes from the  
7 trucks to it. So --

8 A So that would -- that would have been -- so in -- in the  
9 first picture that we looked at, essentially, that -- that  
10 powered flex conveyor --

11 Q Right.

12 A -- ties into -- directly into that middle conveyance to  
13 feed -- where the boxes would flow to.

14 Q Okay. But I mean, how do they pop up to the workstation  
15 because it seems like that's on the other side of the two  
16 conveyances?

17 A Well, the -- the powered roller flex, again. So they flow  
18 out of the truck. They are connected to the start of the  
19 middle conveyor. And essentially, boxes would flow all the way  
20 down this conveyor to the last -- to the furthest station that  
21 we have. So the -- it's a constant flow out of the truck on  
22 that roller -- on the powered flex conveyor onto the permanent  
23 conveyor that we see in the middle.

24 Q Okay. Okay. So with that -- oh, one last question. So  
25 what's the blue tape for?

1 A So the blue tape is to designate essentially that totes  
2 belong here. So it was our area organization to ensure that  
3 products or items such as totes that go in the appropriate  
4 location, the same thing for the mat. That way it's designated  
5 as its home. That way we continue to keep areas safe. And  
6 when something is not in the appropriate location, it is very  
7 visible.

8 Q Oh, okay. Well, thank you.

9 MR. JOHNSON: With that, I'd like to move in Exhibit 3  
10 into evidence.

11 MR. ROUCO: No objection.

12 HEARING OFFICER MEYERS: Hearing no objection to Exhibit  
13 3, Exhibit 3 is admitted.

14 **(Employer Exhibit Number 3 Received into Evidence)**

15 Q BY MR. JOHNSON: Oh, and just one last question about  
16 Exhibit 3. Exhibit 3 is basically the same sort of workstation  
17 as Exhibit 2, it's just a different angle. Do I have that --

18 A Yes.

19 Q -- right? Okay.

20 A That is correct. And you also can see -- we didn't talk  
21 about the -- from a safety perspective. But you can also see  
22 the potentially -- the station dividers that were installed  
23 as -- as a COVID precaution, as well, for our associates.

24 Q Well, if you go back to Exhibit 2, is that what that clear  
25 divider is? It looks like -- I don't know what --

- 1 A Yes.
- 2 Q Yeah. How tall is it?
- 3 A That's what that is. Yeah.
- 4 Q Okay. So how tall are those?
- 5 A I don't know the height on them. I would -- I would be
- 6 guessing if I -- if I gave an answer. So I don't know the
- 7 height.
- 8 Q I don't want you to guess. Are they taller than a person
- 9 though?
- 10 A Oh, absolutely.
- 11 Q Okay. So going -- okay. So let's go to the document that
- 12 should be marked as 4. And this one is sort of two totes
- 13 separated by, oh, I don't know, four or five feet on some kind
- 14 of station. And there's, like, a little red light almost
- 15 shining down on them. Do you see that?
- 16 A The one that has the two totes?
- 17 Q Yes. The two totes are separated by all those. Not the
- 18 one with the five totes.
- 19 A Yeah. So what we are looking at is a universal station
- 20 where you can have a stow associate, you can have a count
- 21 associate, as well as a pick associate that can work on this
- 22 station. What we are looking at essentially is we have a
- 23 stations that is set up right next to the Amazon robotics field
- 24 with all the equipment. As you will see, you have a screen
- 25 that is right there where the associate would stand that would

1 provide them the direction or the process, you know, the steps  
2 they need to follow. To the top of that is actually the -- the  
3 light that depending on the process, will determine a -- pick  
4 this -- it will show -- like, if I'm a pick associate, for  
5 example, it will display the location. It will put the light  
6 on the bin of where the item is that needs to be picked. And  
7 then the -- just to the right of that essentially is the  
8 scanner that essentially the associates would scan the barcode  
9 under. And again, they don't have to lift -- literally, it --  
10 they can move it essentially within the power zone or at their  
11 waist, and it will pick up that barcode on the product even if  
12 they're either picking it or -- or stowing it, for example.

13 Q Okay. So a quick question. Maybe I missed this the first  
14 time around. So is this -- when you say universal station,  
15 does that mean it could be configured for a pick, or it could  
16 be configured for a stow?

17 A It can -- it -- actually, a -- a stow associate, a pick  
18 associate, or a count associate can work on this station.

19 Q Oh, all right. So anybody can. And then let me ask you a  
20 question about the robot fields. So is the robot field  
21 essentially behind the cage that is right, you now, behind this  
22 station?

23 A Yeah. So if you look where the yellow and black tape is  
24 toward the bottom, that is -- there's some brushes there, as  
25 well. But on that side, that is the Amazon robotics field.

1 Q All right. So I have it wrong totally? So --

2 A Yeah.

3 Q -- basically -- well, it happens. So basically, on the  
4 other -- the -- so there's the elevated area that looks like a  
5 step. And there's basically on the lower right hand it looks  
6 like some kind of warning to an employee. So do you see that?

7 A Yes. That --

8 Q On the other side of that, is that the robotics field?

9 A Yes. That is correct.

10 Q Okay. So there's just not a pod and a drive there. But  
11 that is the actual robotics field?

12 A That is correct. Yes.

13 Q Okay, great. And then the last thing is what is that  
14 black -- large, black object that -- that is sort of below  
15 the -- the work area of the station, below where the totes are?

16 A That is to my knowledge -- as far as it's -- that is IT  
17 related. So --

18 Q Okay.

19 A -- you know, it's --

20 Q I -- I take it you can't testify to any sort of IT matter?

21 A Yeah. I -- I am not an expert on what exactly that is.

22 Q Okay. That's fine. So let's talk about the associates  
23 user station. Do the fulfilment associates use this type of  
24 universal station for either pick, pack, or count?

25 A Yes.



1 Q Or sorry, let me -- scratch that. Do fulfillment  
2 associates this station for stow, pick, or count?

3 A Yes. They do.

4 Q Okay. And would seasonal associates also use this station  
5 for those functions?

6 A Yes.

7 MR. JOHNSON: Okay. I'd like to move Exhibit 4 into  
8 evidence.

9 HEARING OFFICER MEYERS: Any objection for the Petitioner?

10 MR. ROUCO: No objection.

11 HEARING OFFICER MEYERS: Employer's Exhibit 4 is received.

12 **(Employer Exhibit Number 4 Received into Evidence)**

13 MR. ROUCO: Even though there's a black box that nobody  
14 knows what it does.

15 HEARING OFFICER MEYERS: The computer. It's the magic  
16 box.

17 MR. JOHNSON: I -- I stipulate we will not rely on that  
18 box for anything material.

19 MR. ROUCO: I'm just trying to inject some levity.

20 MR. JOHNSON: It was -- it was good.

21 Q BY MR. JOHNSON: Okay. So now we're on to Exhibit 5. And  
22 can you identify what -- and so Exhibit 5 is actually five  
23 totes on it coincidentally. So do you know what photo I'm  
24 talking about?

25 A So this one -- yes. So what we are looking at -- so it's

1 five totes and then a tote above the fifth totes --

2 Q Right.

3 A -- or the five --

4 Q Sorry. I understand that there is another tote in the  
5 background.

6 A Yes.

7 Q So it would be six.

8 A So --

9 Q It would be six.

10 A Yeah. So this is actually our automated picking stations.  
11 We have 128 of these stations throughout the fulfillment  
12 center, or well, on the -- the (indiscernible) floor -- or the  
13 amazon robotics floor. So traditionally, this is a pick  
14 station. However, we can have count associates that can work  
15 on these stations, as well. We do not stow on these stations.  
16 And --

17 Q And -- sorry, I cut you off. Keep going.

18 A And so essentially, this is where the pick process is  
19 performed. So with the totes that we have here, this is --  
20 this is definitely set up for pick. And essentially, there's a  
21 platform that the associates stand on, which is what you see at  
22 the bottom of the picture. So this station is elevated off the  
23 floor that associates work on. And to the right -- so you see  
24 where the -- the black and yellow essentially strap is located?  
25 That -- on -- on the other side of that is where the --

1 essentially a pod with an Amazon robotics would be located for  
2 a picker to perform their job function.

3 Q All right. And -- and so what's this thing in the  
4 foregrounds that has like a -- it has, like, a grill appearance  
5 or -- or holes in it?

6 A Yeah. So that is actually a platform that the associates  
7 work on. So that's elevated off the floor that they -- that  
8 they work from.

9 Q Oh, so that is the platform?

10 A Yes.

11 Q It is actually close to the -- to that floor level. It's  
12 just the -- the angle of this makes it look like it's a -- a  
13 chair back or something. But that --

14 A It's not.

15 Q -- it -- that is flush?

16 A Yes. Yes.

17 Q Okay. So the -- with the automated station, you don't  
18 need a water spider for that; is that correct?

19 A Well, so actually, Harry, so for this process, so the tote  
20 that you see on top, so to the left, which is not shown here is  
21 the automated -- is the automated essentially tote dispenser  
22 we'll call it.

23 So essentially, there are multiple stacks of empty yellow  
24 totes that are -- that are fed into the -- we'll say the totes  
25 order. And so essentially, the way this process works is

1     that -- as I mentioned, so I'm -- let's say that I'm picking.  
2     What I will do -- so let's say that I am picking, and my first  
3     tote furthest -- the furthest tote -- or the close -- the tote  
4     that's closest to the Amazon robotics field, say that that tote  
5     is full and I need to push it through.

6             So what I would do is I would push that tote through. And  
7     if you go up to the far left, you see the decline with a little  
8     red guard that catches the -- the tote. And what occurs is  
9     there's also on the other side of this is another one of these  
10    stations that is set up exactly the same. And what happens is  
11    from both sides, you feed into a single takeaway conveyer,  
12    which is right behind the -- the -- right behind the red pop up  
13    bar, you'll see the conveyance that is flat, those rollers.  
14    And so what occurs is -- I'm a picker. I push that tote  
15    through. It catches on that guard because the associate on the  
16    other side could have a tote that they're pushing through on  
17    the same side.

18            So our system recognizes this, releases the totes  
19    appropriately. They flow into a lift that essentially lifts  
20    the totes up to the conveyance to go to the next process path.  
21    So there -- and what I would do as a pick associate, the -- the  
22    tote that is on that top, I lift that tote off and place it  
23    directly in that location that I pulled the tote from. And  
24    there is a -- unfortunately, we cannot see it. But there is  
25    another conveyance that brings empty totes along that line.

1 And essentially, the associates who lift and empty the totes  
2 and place in the location of the tote that they just released.

3 Q And that one's -- you call that automated because --

4 A Yes.

5 Q -- the delivery -- okay.

6 A Yeah. And so a water spider does bring empty totes and  
7 load empty totes into the tote dispenser. So the pick  
8 associates that are working on the station say in the same spot  
9 to be able to perform their function.

10 Q Okay. So do fulfilment associates work these stations  
11 when they're picking?

12 A Yes.

13 Q And was there another function besides picking that this  
14 can do, or is it just picking?

15 A ICQA.

16 Q Oh, so that's counting, right?

17 A Yes. Counting.

18 Q Okay. So do fulfillment associates work at the station  
19 when they're counting?

20 A Yes.

21 Q Do seasonal associates work this station when they're  
22 picking?

23 A Yes.

24 Q Do seasonal associates work this station when they're  
25 counting?

1 A Yes.

2 MR. JOHNSON: I'd like to move Employer Exhibit Number 5  
3 into evidence?

4 MR. ROUCO: No objection.

5 HEARING OFFICER MEYERS: Hearing no objection, Employer's  
6 Exhibit 5 is admitted.

7 **(Employer Exhibit Number 5 Received into Evidence)**

8 Q BY MR. JOHNSON: All right. So now we're on Exhibit 6.  
9 And this has a lot of corrugate in it ready to become boxes.  
10 Do you know what I'm -- the one that I'm talking about?

11 A Yes.

12 Q Okay. And it's got totes in the background.

13 A Yes.

14 Q All right. So what is it that we're looking at here?

15 A So this is the pack process.

16 Q Okay. And so is this a -- is this called a pack station,  
17 or what is it called?

18 A Yes. It would be a pack station.

19 Q All right. And in this particular station, can you  
20 basically describe what pack is?

21 A Absolutely. So as we -- as just saw, the pick associates  
22 that pushes the tote through, this is their downstream  
23 customer. And what occurs is that the -- so pack depends upon  
24 pick performance. So it's all about flowing appropriate amount  
25 of work to the process. So again, there's a coordinated effort

1     between these two processes.  They -- they -- they are  
2     integrated.  And so this is the product of what we have talked  
3     about from a pick perspective.  So these totes carry the  
4     product or inventory that the picker placed in there.  So what  
5     will happen is as you look toward the center, you see the slide  
6     or the metal tray.

7             So essentially, an associate would slide the tray down.  
8     And it would catch on the lip that is there.  And what would  
9     occur is that now our system realizes that, okay, I have this  
10    tote, TSX, whatever, and these are the end (phonetic) items  
11    that are virtually located in this tote.  And so the associate  
12    will grab an item, scan the item.  And now they are prompted  
13    for the box that is needed.  So they will grab the box.  They  
14    will have a -- they have the water taper.  So you can barely  
15    see it, but it's got -- you see white, gray, and black to the  
16    center right.  Those are our water activated tapers.  And  
17    essentially, that is what is used to again, to tape the bottom  
18    of the box.  And so the associate would place -- scan the item,  
19    place the inventory into the box.  And if you look, you will  
20    see that there is a scan that is --

21    Q     Can I just ask you a question about that?  When you say  
22    water taper, is that because the tape is waterproof, or what?

23    A     Essentially, it's -- water's applied to make it sticky.

24    So --

25    Q     Oh.

1     A     -- that -- that machine -- so that white container  
2     contains water. The black piece there is where the -- there's  
3     a sponge that is underneath -- or that is in there that stays  
4     wet. So when the tape comes through, essentially it, you know,  
5     essentially makes the whole tape yet, makes it easier to apply  
6     and stick is -- is how -- is how these water tapers work.

7     Q     Okay. And sorry, so then after the tape is applied how at  
8     BHM1 would somebody finish off the pack at -- at this station?

9     A     Yup. So essentially, after they place the item in, they  
10    would put their air pillow -- if you -- you'll notice that the  
11    side -- there's a scanner. And then the clear plastic on the  
12    right-hand side are the air pillows.

13           So they would place the appropriate amount of air pillows,  
14    just enough in the package to secure it. They would close the  
15    box. Water taper -- essentially, they place -- hit the water  
16    taper for the box -- for the box that they're processing, a  
17    button on there. And it dispenses the tape. And they cover  
18    the top of the box.

19           Now, you'll notice in the middle, there is a belt  
20    conveyor. In fact, there's a package that is on there. So  
21    what will occur is that this associate at pack will place that  
22    item on that belt conveyor to go to essentially our SLAM  
23    process and lead into the ship dock.

24    Q     Okay. And the -- the SLAM, was that the machine we saw in  
25    the -- the overall video that basically applies labels to



1 packages?

2 A Yes. That is correct.

3 Q Okay. And -- and what -- just so the record is -- is  
4 clear, what does SLAM stand for?

5 A Scan, label, apply, manifest.

6 Q All right. And so what is this holster, like, yellow  
7 thing off to the side? Well, the lower right.

8 A Oh, yeah. So that's actually for a -- for associates to  
9 place their water bottles or you know, a bottle of water  
10 essentially.

11 Q Okay. That -- so that's not for a scanner?

12 A No. The scanner is actually mounted. If you look toward  
13 to the right of the yellow totes, it is poking out like an  
14 upside down L or seven. That is the scanner that is mounted.  
15 So the associates essentially do not even have to move the  
16 scanner. They just move the product under the scanner to --  
17 again, to make the -- the -- the job easier, and be able to  
18 work more smarter from a process perspective. Now, what you  
19 also will see, so you see behind this associate there is a air  
20 pillow machine. So that's what that actually looks like. But  
21 that's for the -- the other station. Not the station that we  
22 just described.

23 Q Okay. Just so I --

24 A And --

25 Q Go ahead.

1 A And --

2 Q That's not part of the station? That's -- there's another  
3 station next to this station?

4 A Correct.

5 Q All right.

6 A And these are serviced if a water taper -- if I'm out of  
7 water, I will actually hit an Andon. And a water spider will  
8 come and replace the water for me. So the pack associates can  
9 stay at their station. And also, water spiders replen all the  
10 boxes that you see as well, too, so the pack associates can  
11 stay at their stations and -- and be able to perform their --  
12 their function.

13 Q And by replen you mean replenished?

14 A Yes. Replenish the boxes.

15 Q All right. And so do fulfilment associates -- are they  
16 assigned to work in this area doing packing in this fashion?

17 A Yes.

18 Q Are seasonal fulfilment associates also assigned to work  
19 in this area doing packing in this fashion?

20 A Yes.

21 Q And I noticed you testified that there was at least one  
22 station next to this one. Would -- there'd be another on the  
23 left. Would there be another station on the right?

24 A Sorry, Harry, my -- my printer's calibrating. What did  
25 you say?

1 Q Okay. You testified that there was another station on the  
2 left that used the air (indiscernible). Do I have that right?

3 A Correct. Yes.

4 Q Okay. And then the -- is there another station to the  
5 right of this station? Can you tell?

6 A I don't know where this station is at. But there is a  
7 good possibility that there -- you know, that there would be a  
8 station on the other side of the one we're looking at.

9 Q Okay. And so are -- would -- you know, in the normal  
10 operation of the BHM1 station will seasonal associates work  
11 side-by-side with fulfilment associates performing the tasks of  
12 these stations?

13 A Yes.

14 MR. JOHNSON: All right. I'd like to move --

15 A There's actually stations on the other side of the  
16 conveyor as well, too, that's not pictured.

17 Q BY MR. JOHNSON: Oh, so on the --

18 A So we actually work both sides.

19 Q Sorry, I didn't mean to cut you off. Go ahead.

20 A So we actually work both sides of the conveyor. So  
21 there's stations on the other side of the conveyor where we see  
22 the yellow totes and the belt takeaway for the -- for the  
23 packages going to SLAM. We have stations on the other side  
24 of -- of this as -- of this line as well, too.

25 Q And would those be packing stations like this station?

1 A Yes, they would.

2 MR. JOHNSON: I'd like to move Employer Exhibit 6 into  
3 evidence, please.

4 HEARING OFFICER MEYERS: Any objection for the Petitioner?

5 MR. ROUCO: No objection.

6 HEARING OFFICER MEYERS: Exhibit 6 is admitted into  
7 evidence.

8 **(Employer Exhibit Number 6 Received into Evidence)**

9 MR. JOHNSON: Thank you, Madam Hearing Officer.

10 Q BY MR. JOHNSON: And now we'll get to the exciting SLAM  
11 picture. So it's got a -- it's got a sign called SLAM on it  
12 and can you locate that picture?

13 A Yes.

14 Q Okay. And so what is -- what is this at the BHM1?

15 A So the -- in the previous picture we saw cartons on the  
16 roller conveyor. This is where those cartons would eventually  
17 make it to. So what we see in this picture is essentially  
18 there's going to be two SLAM printers.

19 So essentially, the way that this process works, as you  
20 can see, you have cartons and envelopes that come down one at a  
21 time single file. And what occurs is there's a -- a scan  
22 tunnel. So if you look where the gray -- there's some gray  
23 bars that there's some cartons going through. So essentially,  
24 that is our -- that's the scan tunnel to read the barcode  
25 that's on the box to send that communication to our printers to

1 put the label that has the customer information of where that  
2 carting -- carton or envelope will be going to. And what will  
3 occur is that there's essentially two processes or two paths  
4 that packages can go. So if you look to the right, you see two  
5 belt conveyors leading up in an incline that are to the right  
6 of the -- of the SLAM sign. So we have one conveyor, which is  
7 the top one that will take, you know -- one of these conveyors  
8 takes larger packages. And the -- the other one will take the  
9 envelopes and smaller packages to our flex sorter to be  
10 processed. But essentially, this line continues to move. And  
11 so the importance of this line moving -- so if -- if this line  
12 does not move, the pack process essentially can't process  
13 because this depends upon this process working and being  
14 integrated with the other -- with the other pack processes.

15 So we do have associates that monitor these lines to  
16 ensure that they are moving because there are some cartons that  
17 could possibly have a defect that could kick out and that will  
18 be processed. But that is what we are looking at for this  
19 picture.

20 Q All right. And then just a few follow-up questions on  
21 this. So there's some kind of cart off to the left side. What  
22 is that for?

23 A So those are actually the carts that we use on the ship  
24 dock to essentially load packages. We saw those in the video,  
25 but they were gray that we observed. These are the cages/carts

1     that we use here at BHM1. We will manually place items in  
2     these. We also place these at our flat sorter for packages to  
3     divert directly into these off of the flat sorter. These can  
4     also be used, you know, if we have, you know, problem solve or  
5     kickouts to stage on, as well, to take to certain areas. Or we  
6     could bring these up from the ship dock, as well, to reSLAM  
7     because there was a issue or something that could have  
8     occurred. But -- but that's what those cages essentially --  
9     they're -- they're mainly on the ship dock is the location for  
10    those.

11   Q     So do fulfillment associates handle those carts?

12   A     Yes.

13   Q     Do -- at BHM1. Do seasonal associates handle those carts?

14   A     Yes.

15   Q     You mentioned a flat sorter. Just so the record's clear,  
16   can you explain what that is?

17   A     Yeah, absolutely. So the flat sorter -- so if you notice  
18   the envelope that is in this picture, essentially, that is the  
19   size of a -- that type of package would go to our flat sorter.  
20   So essentially, our flat sorter is setup to handle smaller  
21   packages, typically envelopes, polybags that essentially will  
22   go into either the cages that we see to the left, or  
23   potentially cardboard gaylords, and also mail backs, as well,  
24   too, can go into those.

25   Q     What's a gaylord?

1 A So it's a -- essentially a cardboard I guess you could  
2 say -- just imagine a -- I think they're six feet tall, if I'm  
3 not mistaken. But they are -- it's essentially a cardboard --  
4 four -- on four sides, completely enclosed cardboard that we  
5 put on the pallet. The -- that essentially is opened in the  
6 middle.

7 So just, you know, imagine a dumpster I guess is the best  
8 way that I can, you know, describe it. But these actually fit  
9 underneath. You know, our gaylord -- our -- our flat sorter  
10 diverts, you know. But also, these cages also go under these  
11 diverts. So we try to use as many of these carts or cages as  
12 we possibly can to load onto trucks versus the gaylords. And  
13 these are what we saw getting loaded onto the trailer in the  
14 video that we were shown as well, too.

15 Q Okay. Did you mean the -- the gaylords or the carts?

16 A Well, so the gaylords and the carts both get loaded on to  
17 trailers.

18 Q All right. And who loads gaylords onto trailers?

19 A That can be an FA or a seasonal FA.

20 Q Okay. So your -- your testimony is that seasonal  
21 associates would load gaylords onto trailers, as well?

22 A Yes.

23 Q All right. And besides the -- the gaylords and the carts,  
24 is there any part of the SLAM process besides that that  
25 seasonal associates might be involved in executing some job?

1 A No.

2 Q Okay. So that is it?

3 A Yes.

4 MR. JOHNSON: All right. With that, I would like to move  
5 Employer Exhibit 7 into evidence.

6 MR. ROUCO: No objection.

7 HEARING OFFICER MEYERS: Any objection?

8 MR. ROUCO: No objection.

9 HEARING OFFICER MEYERS: No objection. And 7 is admitted.

10 **(Employer Exhibit Number 7 Received into Evidence)**

11 Q BY MR. JOHNSON: All right. And then we're up to Exhibit  
12 8, which is the -- for lack of a better word, the lone green  
13 box. Or maybe it's -- maybe I'm colorblind and it's not really  
14 green. I don't know. But it looks a little green to me. Do  
15 you see that one?

16 A Yeah. Hold on. Let me grab --

17 Q It's on a conveyance. But it's a -- it's a different  
18 type.

19 A Well, I am not seeing that I printed that one out, a lone  
20 green box.

21 Q It's just one.

22 A Yup.

23 Q Okay. Well, how about this. So we -- you -- we can  
24 speed -- I'm sure we'll get another break today. And you --  
25 you can go find that one.



1 MR. JOHNSON: If the Hearing Officer would let me skip  
2 this because it's labeled Exhibit 8, and we just can just go to  
3 9 and then backfill it. Is that acceptable? You're on mute.  
4 It looks like you're nodding though.

5 HEARING OFFICER MEYERS: Yes. That's fine. Yes.

6 MR. JOHNSON: Okay. Okay.

7 Q BY MR. JOHNSON: Okay. So we will -- if you can go back  
8 and -- and print that one out. At some point in time we'll get  
9 it back in at Exhibit 8.

10 A Yes.

11 Q So now we're looking at 9. And 9 is a bunch of large  
12 boxes in the foreground on the same kind of conveyance that  
13 looks like it's going somewhere.

14 A Yup. So what we are looking at here is the ship dock  
15 process. We have an associate that would be working in this  
16 trailer. So essentially -- so we saw the SLAM process. So  
17 SLAM and pack, essentially this is the downstream customer for  
18 essentially that -- those processes. And -- and again, if this  
19 process is not running as appropriately, essentially it can  
20 stop the packing process, which in turn can stop the picking  
21 process.

22 Again, as it -- as -- as it a balance of flow that has to  
23 occur. So what we are looking at is actually the max reach  
24 that I described earlier. And as you can see, it goes into the  
25 truck. So this is a truck that has been backed into the door

1 by our TOM team. And essentially being loaded with Amazon  
2 boxes. And you can see that the -- the flex conveyor has a  
3 light at the end of it that associates can use to be able to  
4 see what's going on in in the trailer. But it is one -- it is  
5 a continuous belt that essentially is on this max reach. So  
6 the associates have the ability to extend that as far as they  
7 need to into the trailer, and also retract it as they continue  
8 to fill the trailer with product.

9 As you will see up in the -- there's a TV that actually  
10 tells us essentially what sort code. So you UPS. I can't  
11 really make the rest of it. But that's how we -- you know, we  
12 identify and -- and verify what is going into this door. So  
13 everything that is diverting to this door and into this trailer  
14 belongs to that sort. And so the associate will -- will pull  
15 boxes -- one box at a time off of this max reach conveyor, and  
16 will neatly stack the boxes onto the floor and build a wall.  
17 As you can see, there's various sizes of boxes that can come  
18 down these sorts. But -- but that is the process that we are  
19 looking at.

20 Q All right. And just really quickly, I mean, to me it  
21 reads -- and anybody can correct me. But to me it looks like  
22 it's either UPS or UP6SMAGA-N. Does that mean anything to you,  
23 I mean, what -- what that code is supposed to be?

24 A It's going to be a sort code of where this truck will be  
25 going to. So it could be a -- a -- so it's definitely going to

1 a UPS location is what the -- is what I would expect based off  
2 that sort code.

3 Q Okay. And then the -- is this -- you -- you testified a  
4 little bit about fluid load earlier. Do you recall that  
5 testimony?

6 A Yes.

7 Q So how is that related to this?

8 A Yup. So this is actually fluid loading is what we are  
9 seeing at this point, which allows us to better utilize the  
10 capacity of the truck from a fluid loaded perspective.

11 Q All right. Just so I understand, this method of loading a  
12 truck is called fluid loading; s that your testimony?

13 A Yes.

14 Q All right. And this yellow thing that's attached to the  
15 wall, is that a fan that's similar in the other photograph?

16 A Yes.

17 Q All right. With -- and so the fluid loading, just so it's  
18 clear, both seasonal and fulfillment associates perform that  
19 task?

20 A Yes.

21 Q Do they both use the max conveyor device?

22 A Yes. Yes.

23 MR. JOHNSON: I'd like to move Employer Exhibit 9 into  
24 evidence.

25 HEARING OFFICER MEYERS: Any objection from the

1     Petitioner?

2             MR. ROUCO:   No objection.

3             HEARING OFFICER MEYERS:   Exhibit 9 is admitted.

4     **(Employer Exhibit Number 9 Received into Evidence)**

5     Q     BY MR. JOHNSON:   All right.   And that leaves us with 10,  
6     which I -- I guess that's your one last remaining photograph,  
7     which is -- appears to be the same thing, but with a lot of  
8     boxes going down to the end.   Do you see that?

9     A     I do see that.   Yes.

10    Q     Okay.   And is this basically just a later stage when  
11    the -- the truck is close to being full?   Not close to being  
12    full, but it's -- it's more full?

13    A     It -- it could be.   It -- it could be that -- that  
14    essentially that this CPT, your critical pull time or this sort  
15    is, you know, at a point where we will be removing it from  
16    the -- or our TOM team could be removing it from the trailer,  
17    or from the dock, I should say.   But you know, it could be that  
18    there's -- you know, that this -- but yeah, that's what that --  
19    that could possibly be, so without me knowing what time that  
20    this goes out, I -- there would probably be more -- a whole lot  
21    more detail.

22    Q     It's okay.   Don't -- don't speculate.   I -- I may ask you  
23    about -- and you can see it better in actually Exhibit 9 where  
24    it says no door on top of the TV monitor, is that supposed to  
25    tell associates something?

1     A     Well, it just means that there's no door to the left of  
2     this one, so we had these TVs located in between all of our  
3     dock doors. Well, sorry, they're located between dock doors,  
4     and it tells us which sort is going where. So this is  
5     important because, essentially, the associates that are working  
6     the flat sorter and moving the cages, it allows them to know  
7     what door that they need to take the cages or carts to or the  
8     gaylords that may be staged on the ship dock, on what door they  
9     need to take it to.

10    Q     Okay. And so would this -- is this basically the last --  
11    the last container on the line, which is there's no door  
12    structure to the left of it?

13    A     Well, it just -- this particular, as far as the dock door,  
14    if -- again, there's just no door to the left of it is really  
15    the only reason it says that.

16    Q     Okay.

17    A     Yeah, that's -- that's the only reason it states it there.

18    Q     All right. And is that a truck that is backed up in this  
19    one? It's just the same? I think this is even the -- the same  
20    location. So is that a truck in the background, too, that's --  
21    the containers backed all the way up?

22    A     That is a -- that is a trailer that is in the door there,  
23    yes.

24           MR. JOHNSON: All right. And with that, I'd like to move  
25    Exhibit 10 into evidence. Any objection?

1 HEARING OFFICER MEYERS: Any objection?

2 MR. ROUCO: I'm waiting for -- no objection.

3 HEARING OFFICER MEYERS: Exhibit 10 is admitted into  
4 evidence.

5 **(Employer Exhibit Number 10 Received into Evidence)**

6 MR. JOHNSON: All right. And now since we're done -- done  
7 with 10, can I get to 11 and ask that the video that was shown  
8 earlier, and I can give you the -- let me read out the exact  
9 site so it's in the record, the  
10 [www.aboutamazon.com/news/operations/join-our-team-on-a-guided-](http://www.aboutamazon.com/news/operations/join-our-team-on-a-guided-video-tour-through-a-fulfillment-center)  
11 [video-tour-through-a-fulfillment-center](http://www.aboutamazon.com/news/operations/join-our-team-on-a-guided-video-tour-through-a-fulfillment-center). That is the web  
12 address of it.

13 I would like to move that into evidence insofar as the  
14 segments correspond with Mr. Maynard's testimony.

15 HEARING OFFICER MEYERS: Any objection from the  
16 Petitioners into the -- as to the admission of the video?  
17 Richard, you're on mute.

18 MR. ROUCO: We're talking about the videos of the  
19 Birmingham, or the UK facilities; is that right?

20 MR. JOHNSON: Correct.

21 HEARING OFFICER MEYERS: Yes.

22 MR. ROUCO: Yeah, no objection.

23 HEARING OFFICER MEYERS: Exhibit Number 10 is admitted  
24 into evidence.

25 MR. JOHNSON: Okay. This was a --

1 MR. ROUCO: Except for the section on dancing though. I  
2 think -- I think we need to get all those happy associates  
3 dancing all over the place. I'm going to object to that.

4 HEARING OFFICER MEYERS: He said the -- he said the  
5 relevant portions, and I'm guessing that means just the  
6 portions that were addressed by the witness.

7 MR. ROUCO: Okay. Now, I -- now I feel better. Thank  
8 you.

9 MR. JOHNSON: That is correct.

10 HEARING OFFICER MEYERS: Is that -- okay. 10 -- the  
11 portions of Exhibit 10 are there -- are therefore admitted.

12 MR. JOHNSON: All right. I think we're at -- it's  
13 actually Exhibit 11, because remember we're going to go back  
14 and backfill 8 later?

15 HEARING OFFICER MEYERS: Uh-huh.

16 MR. JOHNSON: So I'm actually designating that -- those  
17 video segments as 11. Is that --

18 HEARING OFFICER MEYERS: Oh, 11. I'm sorry, yes, 11.

19 MR. JOHNSON: Thank you.

20 HEARING OFFICER MEYERS: So 11 is admitted, which would be  
21 the video.

22 **(Employer Exhibit Number 11 Received into Evidence)**

23 HEARING OFFICER MEYERS: All right.

24 MR. JOHNSON: And by the way, Mr. Maynard, I -- you know,  
25 we've been on the record for a while, just tell me if you need

1 a break or anybody needs a break.

2 THE WITNESS: I'd like to be able to print out the one  
3 picture so we could talk through that, if that would be okay,  
4 if we could take a break so I can take care of that?

5 MR. JOHNSON: Is that --

6 HEARING OFFICER MEYERS: Why don't we do that. Why don't  
7 we go ahead and take a five-minute break, which will give the  
8 Petitioner's a chance to review the stipulation so we can talk  
9 about that before we go off the record.

10 Just as a -- a point of reference for the parties,  
11 although I had forgotten about this, apparently our funding  
12 lapses this evening, so at midnight we may not be funded, so we  
13 may not be resuming on Monday. Just an interesting note. But  
14 we will take a five-minute recess until 3:50 so that we can get  
15 Exhibit Number 8 in.

16 THE COURT REPORTER: Off the record.

17 HEARING OFFICER MEYERS: Off the record. Thank you.

18 (Off the record at 3:45 p.m.)

19 HEARING OFFICER MEYERS: Mr. Maynard, you're under oath  
20 still, and I'm turning him over to you, Mr. Johnson.

21 MR. JOHNSON: Thank you, Madam Hearing Officer.

22 **RESUMED DIRECT EXAMINATION**

23 Q BY MR. JOHNSON: So now backfilling into Exhibit 8, did  
24 you find the green or blue -- the lone green or blue box on the  
25 conveyer picture?



1 A Yes, I did.

2 Q Okay. Great. And so my -- just a few questions on this.  
3 Can you tell me what this is?

4 A Yeah. So again, this is on our ship dock. This is going  
5 to be a fluid (indiscernible) lane that the package is on, on  
6 the max reach truck -- or the max reach, going into the truck.  
7 As you see, we have one individual that is working in the truck  
8 to be able to handle the -- the package that's coming through  
9 there.

10 What I will notate as well is you can see the TV. So  
11 earlier we talked about the -- the arrows showing the dock door  
12 number and the sort, so you can see a different -- this is a  
13 different dock door. It's dock door 121 is to the right. I  
14 don't know what sort code this is, but again, this would be  
15 our -- our ship dock process at the facility.

16 Q Right. I only had one question about it. Is there  
17 anything -- I mean, the box looks a little different than  
18 the -- most of the packages I've seen so far. Is there  
19 anything significant about it?

20 A So we have green and red boxes for the holiday right now.

21 Q Oh, okay. So it -- okay. So it is green and it's a  
22 holiday box, okay. Well, that --

23 MR. ROUCO: And that is -- Harry, you've got to get in the  
24 spirit of things.

25 MR. JOHNSON: Happy holidays, everyone out there observing

1 this hearing. I -- I am in the spirit.

2 So with that, let's enter in Exhibit 8.

3 HEARING OFFICER MEYERS: Any objections to Exhibit 8?

4 MR. ROUCO: No objections.

5 HEARING OFFICER MEYERS: 8 is received.

6 **(Employer Exhibit Number 8 Received into Evidence)**

7 Q BY MR. JOHNSON: All right. So let's -- we talked a lot,  
8 Mr. Maynard, about video of the -- and what goes on, and photos  
9 of what goes on there. I want to talk about your  
10 responsibilities some. As director of operations at BHM1, what  
11 are your responsibilities?

12 A I oversee and responsible for the safety, quality, and  
13 cost performance of the site.

14 Q And what do you mean by quality?

15 A So quality entails ensuring that our customers,  
16 essentially get the item that they (audio interference) from  
17 the website.

18 Q And did -- is there anything significant about the way  
19 operations run at BHM1 that relates to delivering that kind of  
20 quality?

21 A Yes. So again, the -- you know, the expectations from our  
22 customers of getting product to them in a timely matter  
23 requires, you know, complete coordination between all the  
24 processes that we've talked about. Each process along the line  
25 has quality checks that occur from the -- the dock, because we

1     could have inventory that comes in the -- or on the dock  
2     inventory that may not be assigned to, you know, to a  
3     process -- a purchase order of some kind. We may not -- or the  
4     vendor may send us the wrong quantity, or the wrong item, so we  
5     have a quality check that occurs there.

6             The stow process, essentially, I touched on the (audio  
7     interference) virtual inventory. We could have defects where  
8     the wrong items were put in the wrong bin, or too many are put  
9     in the wrong bin, or say that we get a -- a -- you know, a case  
10    pack of lightbulbs that's supposed to be a true four-pack and  
11    we separate it out to where it's one lightbulb. It can have an  
12    impact on the pick processing, which now stow is (audio  
13    interference) on their customer pick, which you know, will  
14    eventually -- could impact our customer in a negative way. So  
15    if a pick associate earns a -- gets a pod that has a missing  
16    item, now it's an extension process.

17            Now, it goes to ICQA, and it can actually go through  
18    multiple accounts before the defect is found. Which again, now  
19    we're delaying the customers getting their product, as well as  
20    impacting the downstream customer, which is the pack process.  
21    And so the pack process, essentially is one of our last lines  
22    of defense to ensure -- to make sure that the quality is  
23    appropriate, that you put the right item in the right popup  
24    box, because, for instance, if an associate seeks an item and  
25    you think you can get it in a smaller box -- there's a reason

1 we recommend a certain box size, is because we know that's what  
2 we wanted to ship in and that's why our customers expects it to  
3 be shipped in. We can apply dunnage, where sometimes if you  
4 put it in a smaller box, it might not truly fit. So we could  
5 potentially damage a product that's going to our customers.

6 And then the ship dock, so you know, when it gets to the  
7 ship dock, ensuring that the box is not damaged, it wasn't  
8 leaking, or the tape has came off, or the envelope has opened  
9 up. Also have to -- we have to have a less sense of urgency to  
10 ensure that those packages get processed appropriately,  
11 repaired, or the product gets replaced. So it's in -- it's --  
12 you know, it's imperative that every step of the process that  
13 we are -- we are very customer focused, to get the customers  
14 what they ordered, in the condition they ordered in the time  
15 that they ordered.

16 And then after the ship dock, you know, our TOM team  
17 that's out in the yard, it's imperative that the TOM team  
18 has -- has coordination with our ship dock team, because  
19 essentially, if they log on -- they -- they essentially may  
20 pull their own trailer, and now the trailer that's supposed to  
21 go, essentially is delayed and it doesn't get out of our yard  
22 in time, and now all those customers that have those packages  
23 on a particular trailer are getting an email saying, hey, your  
24 order could be potentially delayed, which has a negative impact  
25 on -- on customer experience. So from beginning to end, quite

1 a few quality checks that occur and a lot of coordination  
2 between all aspects of the operation has to occur.

3 Q How important, if at all, is handoff between associates on  
4 these different roles to the quality of the process you're  
5 conducting at BHM1?

6 A So it's imperative. You know, we -- quality drives, you  
7 know, again, the -- the less defects we have in the process,  
8 the more efficient that the process has become. When there's a  
9 gap in a particular process -- for example, we'll talk about  
10 the decant process. Let's say that essentially a decant  
11 associates work -- we got a vendor that has significant defects  
12 coming through with fiscal virtual mismatches. You know, it  
13 could be a whole trailer of that type of inventory that comes  
14 in. And if there's no coordination between the processes of  
15 inbound and stow, essentially, I'm going to essentially delay  
16 anything potentially getting to stow, and now I'm not getting  
17 any work up to stow, which means now I'm potentially going to  
18 miss on customer demand because the not -- not -- the inventory  
19 is not in the bins as appropriately -- or in the bins as they  
20 should be, which again, has an impact on pick and all the  
21 downstream customers.

22 So overall, knowing what is occurring and communicating in  
23 between the processes is extremely key. And that's in every  
24 single process that we have that if there's a -- you know, if  
25 there's a slight defect that essentially may delay flow, there

1 has to be coordination. There has to be dialog that occurs to  
2 ensure that we keep the balance, because that's what we thrive  
3 on in this type of environment is that there has to be  
4 complete -- you know, the downstream customer each has to be  
5 balanced in order to perform their function and to maintain the  
6 cohesiveness and the coordination amongst all the other  
7 processes.

8 Q Now, you mentioned the TOMs team a little while ago in  
9 your testimony. I mean, how often are they communicating with  
10 people inside the building?

11 A So actually, the TOM team is set up -- they have a desk  
12 that is directly across from our ship AM, the ship ops, and the  
13 ship PA, and the ship clerk, so they coordinate -- they're  
14 almost -- I would say almost every minute. You know, they're  
15 talking or having dialog just inside the building. I'm not  
16 talking about -- when we talk about the yard itself, so the  
17 coordination between our TOM team and our -- I'll use outbound  
18 dock, for example, it is imperative because, essentially, we  
19 rely on the TOM team to first coordinate that we have the right  
20 appropriate amount of trailers, for example, in the yard.

21 So essentially the communication between OPs team and for  
22 the TOM team of -- we expect, you know, that a TOM team  
23 states -- we've got maybe one Amazon trailer. If that's the  
24 case, we know we're at risk. And so essentially, TOM team will  
25 coordinate and communicate to the in -- the outbound operation,

1     that, hey, you know, we're -- we're one -- we've got one  
2     trailer. I know that we need two in the next hour. You know,  
3     I'm working with inbound to see if they can turn a trailer, and  
4     essentially if we can't get the trailer turned in time,  
5     essentially, the TOM team will inform us of that and we will,  
6     you know, coordinate staging until the trailer gets there.

7             There's communication on where the trailers need to  
8     go, to which dock door. There's communication from a -- when a  
9     trailer moves and are going to occur. So constant  
10    communication between our TOM team and our outbound and inbound  
11    operations. So I mean, it's literally, you know, a  
12    coordination between all three because, you know, the outbound  
13    team relies on Amazon trailers. The inbound team gets Amazon  
14    trailers. The TOM team, essentially gets the trailers to the  
15    needed doors, you know, and we try to -- we put in moves in  
16    advance and coordinate with the TOM team knowing, okay, how  
17    long are these moves going to take? When are they going to  
18    happen? Is there any risk to these moves not occurring?

19            You know, they let us know if there's essentially --  
20    they -- they manage every trailer in the yard. They -- they  
21    audit what's out there. The essentially help us manage our  
22    priority score. We -- you know, coordination of -- hey, for  
23    inbound, these trucks need to get to the dock door immediately.  
24    They're constantly looking at dwelling trailers in the yard and  
25    coordinating with the operation's team on we have to prioritize

1     these trailers. So the communication is absolutely constant  
2     between the TOM team and the operation's team.

3     Q     A quick question because you mentioned a few terms there.  
4     You were talking about moves. What do you mean by that?

5     A     Yeah. So in our -- in our operation, so we have trailers  
6     that are staged in the yard, or we have trailers that come in  
7     and out of the yard. And so essentially, the -- the guard  
8     shack is where we have some of TOM member -- TOM team members  
9     that are essentially -- they stay in there to check in trailers  
10    and check out trailers.

11           And so essentially, they communicate when a trailer is  
12    coming in, you know, to essentially -- or -- or a truck is  
13    coming in, they're coordinating with the outbound team, hey,  
14    this truck is here. Is it ready to pull? You know, it's for  
15    an 1,800 CPT; is it ready to go?

16           And from a moves perspective, what they'll -- that's one  
17    move that they would coordinate by essentially swapping out  
18    trailers. So we -- we saw a partially filled trailer. So if  
19    that -- and -- and essentially the last -- last picture we  
20    looked at for 8, and so essentially if that trailer's full, we  
21    are going to proactively be communicating with our TOM team.  
22    Hey, I'm going to need you to pull this trailer in dock door,  
23    it look like it's -- so whatever -- 119 was the one we looked  
24    at, so I need to pull 119, and I need to backfill with another  
25    empty trailer.



1           So they will coordinate that with the operation's team to  
2   let them know how quickly they will be able to make that --  
3   that move, you know, physically of the trailer, so our  
4   operation is not negatively impacted. Because when the TOM  
5   team is unable to complete a move in a timely manner,  
6   essentially it backs up the ship dock. And we can have, you  
7   know, hundreds of cages, cards and gaylords that are staged  
8   because, essentially, you know, we're not moving the trailers  
9   fast enough or we don't have enough trailers, and it's -- it's  
10   even more important that -- that essentially, we're constantly  
11   communicating of, okay, what's the status between the TOM team  
12   and the operation's team.

13           But a move, essentially, is moving a trailer from one spot  
14   to another, or one door to another door, or from the previous  
15   door in the empty -- into that door, so that -- that would  
16   be -- that define -- define the move.

17   Q     Okay. And you mentioned priority score earlier. What is  
18   that?

19   A     So a priority score determines, essentially, an in -- it's  
20   for inbound. So it determines the -- when we have volume or  
21   incoming freight, and on a trailer, essentially, how quickly  
22   does that need to get into the floor? So essentially, if a  
23   trailer has a very high priority score, that means that we need  
24   to get it on the dock door immediately because there's customer  
25   demand, especially this time of year because it could be the

1     only item in the whole company that could be on that trailer.  
2     And essentially, we will bring -- we coordinate with our TOM  
3     team to reprioritize if we get a trailer load that says, hey,  
4     this has a priority score 800, which is high.

5             So if they bring -- you know, we'll say we -- we need --  
6     they'll coordinate with us to get that in the appropriate door,  
7     and essentially let us know when it's in the door so we can  
8     essentially unload it safely. And -- but essentially, you  
9     know, we -- we continue to coordinate those moves because  
10    priority score can change from hour-to-hour. It just depends  
11    on what's on a trailer, when it arrived, and essentially our  
12    TOM team, we communicate to them to also to be on lookout for a  
13    particular trailer.

14            You know, it's a hot PO, so there's essentially maybe an  
15    item on there that is the only item. Like I said, it could be  
16    in the company that we need to get unloaded quickly. And --  
17    but that coordination has to occur, and does occur with our TOM  
18    team to ensure that the OPs team is able to unload and process  
19    that inventory quickly and efficiently and safely to get it in  
20    the hands of our customers.

21    Q     Let me ask you who talks to who during this coordination.  
22    So did -- are the -- what's the name of the job title in TOMs  
23    that's an associate?

24    A     It should be just a TOM associate, from my understanding.

25    Q     Is that also known as transportation associate?

1 A Yes.

2 Q All right. So who inside -- would -- would any  
3 supervisors or managers inside of the building talk to  
4 transportation associates?

5 A Yes.

6 Q In what circumstances?

7 A So essentially, your -- your transportation associates  
8 would -- would be in the guard shack. They could be doing, you  
9 know, yard checks as well, verifying what's in the yard. But  
10 they -- the -- the communication does occur between the  
11 transportation associates and the OPs team is going to be,  
12 essentially, a lot of what I described of, you know, I got --  
13 you know, I audited the trailer; hey, I found a -- an outbound  
14 trailer -- or I found an inbound trailer that needs to go in  
15 the door. I didn't realize it was here. And coordinating with  
16 the inbound team to make sure, to see what's on that load.

17 You know, there's coordination of essentially getting the  
18 Amazon trailers, keeping the count of how many Amazon trailers  
19 we have in the yard and how many we have coming in. That  
20 coordination would occur between, you know, when a  
21 transportation associate and essentially a -- an operator, or  
22 the operation's team.

23 Q But -- and just so what kind of operators? Is a dock  
24 clerk an operator that works inside the building?

25 A Yeah. Yeah, dock clerk, ship clerk, ship -- a manager,

1 ship -- you know, or an operation's manager could be in  
2 communication with him, either through a radio, through our  
3 chime (phonetic), and then even in person.

4 Q All right. Is there any time that fulfillment associates  
5 are seasonal associates, or -- well, you know, for that --  
6 inside the receiving or shipping area has to end up  
7 communicating through the dock clerk or somebody else, some  
8 need that goes out to the TOM team?

9 A Not that I'm aware of.

10 Q Okay. Is there any -- what do fulfillment associates on  
11 the floor communicate with an OPs team or the dock clerk about  
12 when they're working in either shipping or receiving?

13 A Okay. So essentially it could be that, you know, we -- we  
14 need gaylords, we need cages or carts. It could be that, you  
15 know, a door is getting -- or a trailer is getting full. You  
16 know, they could just talk to them about a simple request, you  
17 know, that they need. Maybe they need a broom to go sweep the  
18 area, or maybe they have a trailer that they're working in that  
19 they noticed it wasn't swept out. So there's numerous  
20 conversations that a ship dock associate, either you know, a FA  
21 or a seasonal FA would interact with their AM, their dock -- or  
22 their ship clerk, ship PA, or even the operation's manager.

23 Q Okay. So taking those -- that group, the operation's  
24 manager or the -- the ship clerk, the dock clerk, the PA, let's  
25 say they get the information that a truck is getting full, what

1 do they do with that information?

2 A So essentially, you know, they would -- they would relay  
3 that to, essentially, the operation's team who would coordinate  
4 with the TOM team on this move. Because you know, there --  
5 there can be times where essentially -- we have a lot of -- a  
6 lot of great tools that tell us when a trailer's getting to a  
7 certain level, but you know, visually is always the best way to  
8 know when a trailer is getting full. So essentially, that  
9 coordination of the -- of the ship dock associates informing,  
10 you know, the PA, the AM, the OPs of what they're seeing,  
11 because essentially, we're going to have to -- there's going to  
12 be some coordination with that associate.

13 They will probably move to another dock door to work on  
14 another line, or they will continue to -- you know, to get the  
15 packages that come down, continue to load until, you know,  
16 the -- essentially, the line has been -- that line has been  
17 turned off or that sort that was previously coming down that  
18 line, would be moved to another, essentially potential fluid  
19 load or palletized lane. But essentially, that associate  
20 would -- would move into these on the dock.

21 Q Okay. And when a truck either attaches or detaches from  
22 the building, do both TOM associates and fulfillment associates  
23 work on that process with the dock lock and essentially the --  
24 I want to say there's another dock plate with the dock lock in  
25 the dock load?

1 A Yes.

2 Q So can you explain how they work on that together?

3 A Yes. Yes. Absolutely. So when a -- when a TOM team  
4 individual places the -- a trailer into a door, essentially,  
5 the TOM team handles everything that occurs in the yard.  
6 They're responsible for the -- the housekeeping, the cleaning,  
7 the safety of the yard. And so essentially, when a trailer is  
8 backed into the door, their job is to perform all the safety  
9 checks that they need to occur outside.

10 Upon those safety checks being completed, there is radio  
11 communication that occurs with the inbound, or with the in --  
12 inside the building with the dock team, for the dock team to be  
13 able to perform the function that they need to do in order to  
14 keep the -- the truck safe. And -- and you know, for the  
15 individuals to actually work on the trailer to be able to  
16 perform their function.

17 So there's a lot of dialog as -- as we move, you know,  
18 many, many trailers an hour out of this building. So the  
19 coordination between the TOM team and the inbound operation and  
20 the -- or the out -- the operation team inside the building is  
21 a constant because, essentially, from a safety perspective, we  
22 have to have that in order to have a safe workplace for the  
23 associates to be able to get on the trailers and know that  
24 they're not at any risk. And so that coordination occurs  
25 consistently.

1 Q Just so I understand specifically, so who engages the dock  
2 locks on the dock on the outside?

3 A Yeah. So -- so essentially, so our -- our associates  
4 inside will engage the dock lock. They will engage the dock  
5 plate, and essentially will raise the dock door that we have,  
6 and essentially perform all the safety functions inside in  
7 order to ensure the safety of our associates.

8 Q Okay. And then for the -- I'm just talking about the  
9 specific attaching and detaching process, what -- what do the  
10 TOM side employees do with the truck and with the (simultaneous  
11 speech) --

12 A So the TOM side, so essentially, you know, they're --  
13 they're in charge of essentially making sure that the truck is  
14 away from the trailer, that the landing gear is -- you know,  
15 is -- is bound. And you know, to ensure that -- because we  
16 don't want anybody working in their truck, or in a trailer  
17 where there's a truck attached to it.

18 So the TOM team can see on the wall, essentially a red  
19 light. And the red light means, essentially, that the dock  
20 lock is engaged and that this trailer is not ready to be  
21 removed. And so that occur -- again, that transaction occurs  
22 inside when we engage the dock lock.

23 Now, if the light is green on the outside, TOM team will  
24 see that and know that that trailer has been -- the dock plate  
25 has been removed. The dock block has been disengaged, and the

1 trailer is safe to pull at that point. It means there are no  
2 associates that are working in that trailer and that it is  
3 ready to be pulled out and essentially pulled out. Either it  
4 stays in the yard, or essentially removed from the -- to take  
5 customer packages out, essentially.

6 Q Who opens and closes the trailer doors?

7 A So the TOM team will open the doors. So essentially, or  
8 empty, the doors stay open, and essentially back the trailer --  
9 and TOM team backs in the trailer to the door, and -- and the  
10 associates inside validate that it's -- you know, that it's  
11 squared because we -- you know, if it's not square, we won't --  
12 we won't engage the dock lock. We won't engage the dock plate.  
13 So again, they're also is that coordination to where if a  
14 trailer's not set up to where it needs to be, and this --  
15 this -- you know, this isn't -- this isn't the TOM team that is  
16 backing the trailer up, but this could be a vendor that is  
17 dropping off a trailer, and essentially our TOM team will  
18 ensure that driver straightens it up so we can work safely in  
19 that truck for the associates.

20 But if it's a side-open trailer, so essentially opens up  
21 like a French door, essentially TOM teams owns that. If it's a  
22 rollup door, essentially, we could also handle that inside the  
23 building. You know, it just depends on, you know, what the --  
24 what the truck is, but typically, most of ours are the side --  
25 side-hinged doors is what we deal with most, and the TOM team



1 will open those up prior to backing the trailer up.

2 Q And is there a bay door for each one of these docking  
3 bays?

4 A Yes.

5 Q And who opens that?

6 A So the -- the doors are -- so the operations team owns,  
7 again, anything inside the building, the TOM team, anything on  
8 the outside of the building, essentially pulling those trailers  
9 flush with the -- those dock doors, essentially, is owned by  
10 the TOM team, which again, includes -- if there's a vendor that  
11 is -- there's a -- the third-party driver they own ensuring  
12 that the -- that that individual creates a safe work  
13 environment for the associates that are within the four walls  
14 of this building.

15 Q Okay, and thank you. Let me ask you a little bit more in  
16 terms of your experience with the facility. Do you work onsite  
17 at the facility?

18 A Yes.

19 Q Is that where you are right now?

20 A Yes.

21 Q How long have you been -- been director of operations at  
22 BHM1?

23 A Since January of 2020.

24 Q And is that earlier than the facility formally opened?

25 A Yes.



1 Q Are you the highest-ranking Amazon manager resident at  
2 BHM1?

3 A Yes.

4 Q Prior to decant -- becoming director of operations at BHM1  
5 in January, what was your role at Amazon, if any?

6 A Director of operations of the Chattanooga, Tennessee  
7 fulfillment center.

8 Q Okay, and what did you do in that role?

9 A So ex -- exactly the same thing that I -- that I do in  
10 this role: oversaw the safety quality and costs of that  
11 fulfillment center.

12 Q All right, and was the -- was that the same kind of  
13 fulfillment center as this one?

14 A No, it was a traditional sortable, which, essentially,  
15 does not contain the Amazon robotics.

16 Q And how long did you hold that position?

17 A So I was promoted in April of 2015 until -- or I was  
18 promoted April of 2015 to director of operations --

19 Q And so --

20 A -- at the Chattanooga, Tennessee fulfillment center.

21 Q I'm sorry, I didn't hear you. What was that?

22 A Yeah, so in April of 2015, I was promoted to director of  
23 operations of the Chattanooga, Tennessee fulfillment center.

24 Q All right, and from what position were you promoted?

25 A So I was a -- the general manager, which I received that

1 promotion in April of 2014. I was given the title of general  
2 manager of the Chattanooga, Tennessee fulfillment center.

3 Q And how long were you the general manager of that  
4 fulfillment center?

5 A Approximately one year. For the fit -- for the title of  
6 general manager, one year.

7 Q Okay. And so what title did you have before that?

8 A So it was senior operations manager.

9 Q Was that also at the Chattanooga fulfillment center?

10 A Yes, it was.

11 Q And what sort of operations did you run at that point?

12 A So I actually ran the (audio interference) operation, so  
13 essentially, very similar to the inbound operation at -- that  
14 we've talked about here at BHM1: tote-based, decant process.  
15 So that process, some similarities between the two.

16 Q Okay. And you faded out a little bit on audio originally.  
17 Did you say you were the operations manager for inbound?

18 A I was a senior op -- senior operations manager for  
19 inbound.

20 Q Okay. And then, how long did you hold that role?

21 A I don't remember the exact time frame that I held that  
22 role.

23 Q All right. Did you remember the role you held before  
24 that, if any, at Amazon?

25 A Yeah, so -- so in -- in 2011, I actually launched the

1     Chattanooga, Tennessee fulfillment center as a senior  
2     operations manager for outbound, and between 2011 and 2014,  
3     held roles as the outbound senior ops manager, change -- or  
4     senior officer -- senior -- senior operations manager for  
5     change, and then the senior operations manager for inbound  
6     prior to getting promoted to general manager in April of 2014.

7     Q     Okay. And you've mentioned these sort of inbound and  
8     outbounds a lot at this point, so you know, for the layperson  
9     and -- and the record to understand, what's the division  
10    between them? What do you mean by (simultaneous speech) --

11    A     Yeah, absolutely. Yeah, so inbound operations in --  
12    essentially, it quite -- is essentially bringing the product  
13    inside the building and typically touches your receive process,  
14    your decant process, and includes your stow process. And --  
15    and there's also -- and then the outbound operation essentially  
16    deals with product going out of the building, so whatever  
17    process we have that incorporates where product is going to  
18    move in some form or fashion to a customer or to another --  
19    another fulfillment center is included in the outbound  
20    operation.

21    Q     All right. And so now we're still at Chattanooga, but I  
22    wanted to ask you about before 2011; do you remember any of  
23    those prior jobs at Amazon?

24    A     Yeah. So actually, I -- I -- I started with Amazon in  
25    July of 2006 as an area manager, and then I was promoted, I

1 believe it was 2008 time frame -- it -- it all runs together at  
2 this point, as -- as --

3 Q Right.

4 A -- because it was a little while back, but I filled the  
5 learning manager role, which is a -- an operations manager.  
6 The shift ops manager, which is, again, I went from a 5 --  
7 level 5 to a level 6 operations managers -- and a learning  
8 manager, and essentially held the title of operations manager  
9 until my promotion in 2011 to see -- to -- to senior operations  
10 manager.

11 Q Okay. And what -- were you working at any other  
12 fulfillment centers or Amazon facilities other than Chattanooga  
13 during this time?

14 A So I did work -- so I started in Lexington, Kentucky. So  
15 2006, I started at -- it was the Lexington, Kentucky  
16 fulfillment center where I started as an area manager and was  
17 promoted to a learning manager position for peak, and then  
18 transitioned to an ops manager -- operations manager, then went  
19 back to a learning manager for the second -- for the ne --  
20 following peak, and then was moved back to an operations  
21 manager role. All that occurred while I was in Lexington,  
22 Kentucky at the Amazon fulfillment center, and in 2011 through  
23 2019, I was at the Chattanooga, Tennessee fulfillment center,  
24 and then 2020 -- January 2020 had been in the -- the  
25 Birmingham -- or the Bessemer, Alabama Amazon fulfillment

1 center.

2 Q Okay. Fair enough. So the -- you -- you mentioned  
3 becoming a learning manager during peak. Does that happen with  
4 managers that they step outside their role during peak and  
5 assume another role?

6 A So it -- it varies. I mean, we've -- we do move leaders  
7 for experience and business need, and so that was the position  
8 that was available when I got promoted and was placed in that  
9 position to interact with new-start-associate experience, as  
10 well as ambassadors.

11 Q Okay. So you mentioned levels, right, and is that --  
12 well, just explain for the record what that means.

13 A Yeah. So essentially, we have levels in the building. So  
14 we have tier 1 associates, which are -- is the hourly  
15 associates, fulfillment center associates as well as the  
16 seasonal fulfillment associates. We have tier 3s, which  
17 include process assistants, which include ship clerks, dock  
18 clerks. You know, it could include -- that's within this  
19 building, those roles, but there's an hourly lead position  
20 and -- within the operation. Then there's level 4. Now,  
21 there's a level 4 off step, which is -- we have TOM team  
22 members that are level 4 off step. We have level 4 area  
23 managers, and also in the level 4 off step is -- are the safety  
24 coordinators, as well. They fall under that umbrella. That  
25 level 4 area managers. There's level 5 area managers. There's

1 level 6 are op -- is a ops manager level. Level 7 is senior  
2 ops, can also be site lead. And then level 8 can be general  
3 manager, director, regional director, fall into those  
4 categories.

5 Q So let me ask you about the -- the tiers, and specifically  
6 during peak. Is there anybody in Bessemer who would be at  
7 regular, you know, tier 1, who during peak might move over to  
8 become a seasonal tier 3?

9 A Absolutely, yes.

10 Q Okay. Can you explain how that happens?

11 A Yeah, absolutely. So -- so during the -- the peak time of  
12 the year, you know, volume does increase within the -- the  
13 company in general, and so in order to make sure that we have  
14 enough support to ensure the safety, quality of our associates,  
15 we will move individuals into seasonal tier 3 roles to  
16 essentially -- because there's a business need.

17 Q Okay, and once that -- can -- is seasonal process  
18 assistant one of these roles?

19 A Yes, it is.

20 Q How about seasonal learning trainer; is that one of these  
21 roles?

22 A Yes, that would be one.

23 Q How about seasonal safety coordinator; is that one of  
24 these roles?

25 A Yes, that would be one of those roles.

1 Q Let me ask you about the -- I mean, we've covered a lot of  
2 segments of the facility, but just to put it all together for  
3 the record, what's the general physical layout of it once you  
4 walk through the door?

5 A Oh, absolutely. So as -- as you enter through the front  
6 entrance, you are essentially walking through -- first, you get  
7 a temperature check as you walk through the building as a COVID  
8 protocol, and then you will go through, essentially, our  
9 turnstiles where you have to have a badge to get through the  
10 turnstile. As you walk through the turnstile, essentially, you  
11 will pass the security desk where we have local -- where we  
12 have our in-house security team, and then as you continue to  
13 walk, you know, you will walk into the middle of the building.

14 And so as you're in front of the building, what's in front  
15 of you -- I -- I'll lay it out here. So if I'm looking to the  
16 right as I walk into the building, so essentially, to the  
17 eastside of the building, what I am going to see essentially is  
18 the Amazon robotics floors, and so there's four floors total,  
19 including the -- inside -- I'm including the ground floor --  
20 that are essentially the Amazon robotics field that you would  
21 see if you turn to the right, which houses all of the inventory  
22 that we have in the building that -- that -- as well as all the  
23 stations that stow, pick, and count -- essentially, our working  
24 on is (indiscernible) 2, which is 409 stations.

25 As you look in front of you, you will see the pack



1 process. So the pack process, as we've discussed previously,  
2 essentially is -- you know, where we place the items in the  
3 packages and move them to the ship dock. And if I look to the  
4 left of pack, essentially, I'm going to start seeing part of  
5 our ship dock, so that is where our flat sorter is located,  
6 which handles, as I mentioned earlier, the smaller packages.  
7 They've come in pulley bag, envelopes. You'll see part of the  
8 flat sorter as to the left.

9 And now as we continue to enter the building a little  
10 further, looking at the north side of the building, so the  
11 northeast side of the building essentially has our receiving  
12 department, and in -- essentially inbound is what is on the  
13 northeast side. So what you would see are multiple stations  
14 that are decanting, receiving product that is going to go to  
15 var -- to any of the four floors that we have that are in  
16 operation to our stow associates.

17 If you keep walking to the center, though the far north  
18 side is actually our ship dock, and so the ship dock, again, as  
19 we've seen pictures, essentially, you will see the MaxxReach  
20 reaches. You will see the spirals that packages are coming  
21 down from that -- our ship sorter that are diverting to  
22 palletized lanes where you have associates that are both FA and  
23 seasonal FAs that are palletizing product, and essentially, to  
24 the left you will continue to see the flat sorter as well as it  
25 essentially forms an "L" in the building. And again, you're



1 going to see Gaylords, you're going to see cages that are on  
2 these various sorts coming off of the flat sorter.

3 And so now I'm going to kind of -- I want to swing around  
4 a little bit, and so now we're going to walk back toward the  
5 south side of the building. So the furthest -- so the --  
6 the -- the southwest side of the building, you're actually  
7 going to see our RME, essentially, location of where our parts  
8 area is where they fabricate parts, where they store parts for  
9 the machinery that's in the building.

10 As we continue to walk -- you know, the -- the -- the --  
11 the front of the building, which is the south side, we will  
12 come across our wellness center where we have essentially our  
13 IPS associates. We have essentially, you know, a first aid  
14 location, and as we continue to walk, we have on the first  
15 floor a -- a -- a break room that essentially is --  
16 essentially, six feet in social distancing for all tables, and  
17 essentially, you know, we have cleaning supplies on every  
18 single table, but that's what you would see essentially going  
19 to the -- the south side, which is by the front entrance that  
20 you would walk into. So this kind of put in perspective --  
21 that's kind of the basic layout.

22 I do want to touch on the third floor because everything  
23 we discussed is on the first floor that we talked about, so the  
24 third floor -- again, we're still in the -- essentially, the  
25 center coming in from the south. If I look up, essentially,

1 I'm going to see pack on the third floor as well, and you will  
2 see the main ship sorter as well. Essentially, the -- the  
3 conveyance that we saw where the pushers push the parcel is on  
4 the third floor, as well. So all that action, as well as SLAM,  
5 is located on the third floor of the building.

6 And throughout the building, essentially, you're going to  
7 see stanchions for flow of traffic for associates. You're  
8 going to see that every single station is six feet apart or  
9 more, also with dividers like we've saw in the receive  
10 stations. You're going to see essentially areas taped off the  
11 ground to designate six feet throughout the whole building.  
12 You would also see on -- and we'll back you up to the first  
13 floor a little bit -- as I mentioned, the break room. We also  
14 have an area where we do essentially our -- our -- our COVID  
15 testing for our associates, which is free to them, is located  
16 on the first floor and extremely accessible for our associates.

17 So again, that's kind of a broad, you know, painting of --  
18 of the building that we have of the 855 that's inside, so.

19 Q Yeah, that does. So -- so some follow-up questions.  
20 On -- is the interior floors, are they known as the mezzanine  
21 levels?

22 A Yes.

23 Q Okay, and so are the robotics generally located on those  
24 levels?

25 A Yes.

1 Q Okay, and so are the work sta -- many of these  
2 workstations for picking and stowing located sort of  
3 surrounding the robotic steels (phonetic) on these levels?

4 A Correct.

5 Q All right. And do you have any idea how large those  
6 levels are in addition to your first-floor square footage.

7 A Yeah, so they -- they range from about 380,000 square feet  
8 upwards of 400,000 -- approximately, 400,000 square feet each.

9 Q And how many levels are there total?

10 A So we have -- we have four levels, including the ground  
11 floor.

12 Q Okay. So are there three of these interior floors stacked  
13 on top of that?

14 A Correct.

15 Q But they don't cover the entire footprint. They're sort  
16 of --

17 A No.

18 Q -- partial floors; am I right?

19 A No. That is correct.

20 Q Okay. And then you mentioned a break room, and -- and do  
21 you have any break areas besides the official break room?

22 A Yes, absolutely. So we have -- the main break room is on  
23 the first floor when you enter the building. We have a break  
24 room that is on the third floor, which is directly above where  
25 the first-floor break room is. We also have set up satellite

1 break rooms throughout the building to ensure that we have  
2 six -- social distancing to protect our associates from COVID.

3 So if -- so some of the areas to highlight. So our -- if  
4 I'm looking at the south -- very well, the -- the west side of  
5 the build -- of the third floor, we have an area that we  
6 created for a -- a break room area. We have on the third and  
7 fourth floor on the north side of the area of the building, we  
8 have set up break rooms outside of break rooms with seating, as  
9 well, to ensure that we have enough seating for all associates  
10 and able to maintain six-foot social distancing with -- within  
11 the building.

12 We also have added tents outside of the building that are  
13 heated and enclosed to allow associates -- if they choose to go  
14 outside, they have six-foot social distancing with the tables  
15 that are set up outside, as well, for a -- a break area for our  
16 associates. And also outside the third-floor break room, we  
17 also have tables and chairs set up outside of that break room  
18 as well, too, in order to maintain social distancing and -- and  
19 for our associates. And even outside of the office area on the  
20 first floor, we have a break area that has been set up with --  
21 for associates to take breaks there, as well, too, to ensure  
22 that we maintain social distancing across the building, as  
23 well.

24 Q So a quick question on the break rooms and break areas  
25 that you've described, are they open to fulfillment associates?

1 A Yes.

2 Q Are they open to seasonal associates?

3 A Yes.

4 Q Does fulfillment associates and seasonal associates, you  
5 know, mix to the extent it's allowable with six-feet social  
6 distancing in those break rooms or break areas?

7 A Yes.

8 Q How about the TOM associates or transportation associates,  
9 where can they go inside the building to take a break, if any  
10 place?

11 A Anywhere they choose. Any of the break rooms.

12 Q Okay, that includes the third floor?

13 A Yes.

14 Q Do they actually do that?

15 A That I don't know.

16 Q Oh, so we'll have to get some more testimony on that  
17 issue. But so I think that's a pretty good overview of the  
18 building. One last question: Where the -- where do the trucks  
19 enter and exit off of the -- in terms of the property  
20 boundaries?

21 A Yeah, so on the -- essentially, it would be the northwest  
22 side of the building is where the guard shack is set up where  
23 the trucks will enter and exit the site, and that's the only  
24 way, at this point, that trucks can enter and exit at this  
25 point.

1 Q And that -- the guard shack communicates inside the  
2 building?

3 A So yes, the guard shack there does communicate inside the  
4 building of incoming trucks, outgoing trucks. You know, if  
5 there's any problems, such as maybe a seal is the wrong seal  
6 was placed on there, doesn't match the trailer it's supposed  
7 to, but yes, they do communicate with the -- the guard shack  
8 does communicate with the operations team.

9 Q And how often does that happen?

10 A So the -- the -- there's constant communication between  
11 the -- the guard shack and -- and the operations team.

12 Q Okay, do they have some verification duty that they have  
13 to download the information to the -- to the folks inside the  
14 building?

15 A They do. We actually -- so for the inbound side, we  
16 actually use the -- called the not-yet-received portal where we  
17 essentially log where trailers are located by -- in the yard so  
18 the inbound team knows what trailers are where, and the TOM  
19 team will enter that information into the portal. Outbound  
20 also has a -- a tool where, essentially, trailers are logged  
21 into locations, and that's audited every single day by the TOM  
22 team. And also the operations team will -- will also do  
23 audits, not every day, but will perform audits of the -- of the  
24 yard, as well, with the TOM team.

25 Q And are the audit folks stationed inside the building most

1 of the time?

2 A Yeah, so the -- the individuals that do the -- do the  
3 audit -- so from a TOM team perspective, I would say that they  
4 are in the building, so it -- like, for -- if it -- if it's Deb  
5 (phonetic), for example, who is one of the TOM -- TOM team area  
6 managers, essentially is stationed inside the building, does  
7 audit trucks in the yard, so I -- I would say, yes, that the --  
8 the auditors are inside the building.

9 Q All right. So we've -- we've seen some video; we've seen  
10 some photos. We've talked about you and your background and  
11 talked about physical layout. Let's talk about how all this  
12 fits together in -- in one workflow from the moment a -- a  
13 product or package enters and up to the moment that it ends up  
14 leaving as an Amazon package. Is there any particular notable  
15 product that you ever pay attention to during your time so far  
16 at BHM1 as it comes through the building?

17 A Yes, absolutely. You know, as -- as many years I been  
18 doing this, you know, you -- you kind of see trends, and -- and  
19 I notice that there's a Fender speaker that has been on the  
20 floor, and -- and so I want to use that as an example of -- of  
21 kind of -- and it's a small speaker, by the way that fits in  
22 our yellow totes no problem.

23 And so the -- the travel of a Fender speaker starts with  
24 essentially coming into our yard, checking in with the -- with  
25 the guard shack and the TOM team and essentially designating --



1 let's say it's a high priority load. We'll say there's a lot  
2 of customers wanting their Fender speakers, and so we pull  
3 that -- so we coordinate with the inbound dock clerk to which  
4 door that this trailer needs to go into, and so essentially,  
5 that is decided. The trailer is put in the dock door. All the  
6 safety protocols are followed from both outside and inside the  
7 building.

8 And so essentially what occurs now at that point after the  
9 TOM team has coordinated with the dock clerk, they've got the  
10 door -- or the trailer in the door. The inbound operation, the  
11 dock team -- we'll say it's a fully loaded truck because we do  
12 get those -- pulls their flex conveyor -- PowerFlex conveyor to  
13 that door. They place these boxes on the conveyor, and  
14 essentially, they will flow to the decant process, and which,  
15 essentially, the decant associate would scan the item and place  
16 it in a tote.

17 Now, the Fender speaker that I've seen stays in its  
18 original container, and so we saw that roll of -- we saw a  
19 picture where there was a red sticker on a carton. It was  
20 actually in -- let's see -- it was in the first -- it was in  
21 the first picture with the boxes on the power conveyance --  
22 PowerFlex conveyance.

23 Q Oh, that would be -- wait, wait, wait, wait. Just so  
24 everybody's following you there.

25 A Yeah.

1 Q Is that ex -- Exhibit 1?

2 A That was Exhibit 1

3 Q Okay.

4 A If you'll notice there's a red barcode on the first box in  
5 that picture. Barely make out the barcode, but it's a red  
6 sticker in the left cor -- left-hand corner.

7 Q Okay.

8 A So essentially, what happens is that barcode gets placed  
9 on that item, and essentially, our decant associate has the  
10 ability to -- to scan that barcode and now will place that item  
11 into a yellow tote, and we'll say that, essentially, we're only  
12 putting one in there. So essentially, they scan -- they --  
13 they've -- they've pulled their item off the conveyor that  
14 essentially is beside them, place the item in a tote. They've  
15 scanned their tote to complete the transaction. The stow --  
16 the -- the decant associate pushes the tote to the decline that  
17 we've talked about previously. It catches on one of the bars,  
18 and then that bar releases -- or the roller releases, sorry,  
19 and it goes onto the line, the conveyance that goes to -- we'll  
20 say it goes to the second floor, and so it -- it rides the  
21 conveyance. It goes up the spiral to the second floor. It  
22 goes to a conveyor.

23 And so the way our conveyance is set up on the east  
24 side -- or the -- the east side of the building, it's set up  
25 that totes will divert on either two ways on a conveyor. It

1 can either divert to the north side of the building -- can --  
2 on the conveyance, or the south side on the conveyance. I --  
3 there's no logic that I'm aware of on this. It's just -- it  
4 diverts.

5 And we have a water spider, so an individual that  
6 essentially will grab those totes or tote, single tote at a  
7 time, will place it on a -- a cart or a pallet, just depending  
8 on where they're located, and that water spider will take that  
9 Fender speaker that's in that tote, lay the tote on the cart  
10 with a pallet and will move that work to a stow associate, and  
11 what they will do is they will place the item either on the  
12 sled that we've mentioned earlier for the stow associate, or it  
13 may be in a staging area until that -- until the sled is  
14 ready -- there's a spot on the sled.

15 So we'll assume for this exercise that the -- that it got  
16 on a sled immediately. It got to the stow associate, so it was  
17 one of the eight totes that got scanned, so our system now  
18 knows that, hey, I know I've got a Fender speaker that  
19 essentially is an eight-by-ten, you know, box maybe five inches  
20 deep or whatever, that, essentially, I need a location to place  
21 that in, and so the stow associate will get pods that -- pods  
22 that come to them, and essentially, they look at what's in  
23 their -- in their totes, and they have a pod that finally shows  
24 up that they can get that Fender speaker into. So essentially,  
25 they lift the item out; they scan the barcode that's on the box

1 of the product, not the red barcode, but the box barcode that's  
2 on there, and place it in this pod, and essentially, now, this  
3 item is -- now, again, I'm assuming that they -- the physical  
4 virtual transaction occurred, that essentially, they put it in  
5 the pod that they said they were -- or the -- they said they  
6 were going to put it into. And now, this is -- we'll say it's  
7 the first Fender speaker that is available at BHM1 or available  
8 on our website.

9 Now, as soon as that's stowed, a few minutes later, it  
10 becomes available on our website for associates to order. And  
11 so now let's say that there's demand for this, which now, it  
12 flows to our pick associates. So now, we got a pick associate  
13 that's got their five totes, and they've got pods that are  
14 telling them -- you know, they're coming to their station.  
15 They've -- they get to the pod that's got the Fender speaker in  
16 it. Their -- essentially, their screen tells them you need to  
17 pick a Fender speaker. It's located in this bin. The light  
18 shines down that it -- you need to go to this bin to grab it.  
19 They remove the item, essentially place the item in one of the  
20 totes that has the green -- whatever green light is up -- of  
21 course, they do a quality check prior to, so they do a quality  
22 check, make sure it's good, and essentially place the item now  
23 in the tote. And let's say that that was the only item that  
24 needed to go in that tote, and so now at that point, the picker  
25 pushes the tote through because we're -- they're -- or I'm

1 going to assume they're on one of our automated pick stations.

2 They push the tote through, and now, it is going to flow

3 on the conveyance to a pack associate, and at this point, it

4 gets to the pack associate. They -- they pull the tote down.

5 It lets them know that there's a Fender speaker in this tote.

6 They've pulled the item out, scanned the barcode that's on the

7 Fender speaker, and now it tells them what box this needs to go

8 in. It places it in a box. They put the air pillows in there,

9 surround it really nice, so it's safe going to the -- the

10 customers -- the customer. They get their water tape for the

11 bottom. They tape the top. After they've put all -- they done

12 it -- all their air pillows, and at that point, place it on the

13 conveyance that's going to our SLAM lines. It gets a label

14 applied, and now it goes to our ship dock, and we'll say that

15 it go -- went to a -- at that point, we'll say it went to a --

16 a manual -- we'll say full body -- it went to flow dock --

17 full-load lane. It went on -- went to the trailer where --

18 came down the -- the spiral, went directly into a fully loaded

19 Amazon trailer, and now the -- let's say it was one of the last

20 packages to make it on that trailer, and now we're at a point

21 where, essentially, our -- our dock team -- our outbound dock

22 team realizes that, essentially, this trailer is maxed out from

23 a cube perspective. So we've already coordinated with (audio

24 interference) hey, this dock door -- we're closing this dock

25 door. We essentially release the dock plate. We release the

1 dock -- the dock lock. This trailer's ready to go, so our TOM  
2 team -- again, it's an -- an Amazon trailer. Our TOM team can  
3 either -- will either stage this trailer or there's a driver  
4 that's ready to pick this up to go, and so our TOM team  
5 coordinates essentially the driver to get this load to a sort  
6 center, for example. And so essentially, the TOM team's job  
7 now is to ensure that that trailer gets -- or that truck gets  
8 secured to that trailer safely and gets out of the yard safely  
9 in a timely manner for our associates -- or for the customers  
10 to get their order.

11 So that's if everything's perfect in the process. So that  
12 means every person in the process performed the flow  
13 appropriately. Everything was balanced, and there was no  
14 defects. Now, I'm going to talk about if there's a defect. So  
15 let's -- and -- and I'm going to throw the defects in between  
16 the -- the pick process -- the stow-and-pick process because I  
17 want to include ICQA in this.

18 So in the example I gave, the Fender speaker went -- we  
19 said it got stowed appropriately into the bin by the stow  
20 associate. In this -- in this example, essentially, we'll say  
21 that, essentially, the associate put it in the adjacent bin;  
22 however, virtually, it tied it to another bin. So un --  
23 unbeknownst to anybody yet, there's -- we don't know it's a  
24 defect. We know there's a demand for it, and so it makes it  
25 through to our cu -- to the pick process. Pick associate looks

1 in the bin, realize there's nothing in the bin. They mark it  
2 missing, and -- and now we've delayed our process, and we've  
3 added another step into the def -- into the process that goes  
4 to ICQA.

5 And it could be that this product now, it goes to the --  
6 an SRC count where now I'm looking specifically for that item,  
7 so that individual that performs that simple record count that  
8 I talked about earlier will do their scan of the bins  
9 surrounding where it was. If they find it, essentially,  
10 they'll correct the bin. Now, we've delayed the process  
11 because a simple record count is not an instant count, so we've  
12 could -- you know, we could've put the customer at risk because  
13 now we don't -- we didn't get the count done in a -- a timely  
14 manner, and it could've been the only Fender speaker in the  
15 building, and so we've counted it. Now, essentially, from a --  
16 a experience perspective, let's say that we've counted it. It  
17 took us 45 minutes to an hour to count that bin. So now we've  
18 lost critical time to get it through our processes and -- in  
19 order to get to our customer in a timely manner.

20 So now it goes back to pick. There's demand for it, so it  
21 goes to pick, and pick does their process as we mentioned.  
22 They do their quality check. They find the item in the bin, of  
23 course, follow the process, and -- and now it goes down the  
24 line just as I described, and granted, we completed the  
25 process, but in turn, we may have just, you know, incurred

1 additional transportation cost because we couldn't meet the  
2 time commitment, so instead of it going essentially second day,  
3 now it could be going next day, and so there's a cost with that  
4 defect if all the processes essentially do not interact  
5 approp -- or do not interact or flow.

6       You know, if we get out of balance of any kind from any of  
7 our processes -- so if inbound decant, potentially, you know,  
8 is processing more volume than what stow is processing,  
9 essentially, I'm going to stop the line, and essentially, my  
10 decant associates probably won't be able to work. And so stow  
11 and decant has to be balanced. Their flow has to be great.  
12 The communication has to occur, or we're going to put somebody  
13 where essentially, you know, I'm going to maybe -- maybe stand  
14 around because I don't -- that -- that we were out of balance.  
15 The flow is now off, and so -- and pick is the same way. If --  
16 if pack is not processing and we have balance and essentially,  
17 the appropriate flow and have the right associates in the right  
18 spots, then essentially, we can stop pick, which now impacts  
19 customers.

20       So those are just, I think, some examples of -- of how  
21 important every role is within the operation because we cannot  
22 operate this building without every single function flowing  
23 appropriately throughout the whole process.

24 Q     Thank you. I -- you know, would you like to take a break  
25 now? That was quite a bit of global testimony there.



1 A I could use some water.

2 Q Okay.

3 MR. JOHNSON: Madam Hearing Officer, is that permissible?

4 You're on mute.

5 HEARING OFFICER MEYERS: How long

6 a break are you suggesting? How much more do you have  
7 with this witness?

8 MR. JOHNSON: Well, quite a bit, but ten minutes.

9 HEARING OFFICER MEYERS: Quite a bit, ten minutes.

10 MR. JOHNSON: Well, I have to -- okay, so just to give you  
11 a preview, I mean, there are a number of job classifications  
12 that, of course, the witness isn't a direct supervisor of, but  
13 he might know something general or does know something  
14 generally about them, and so, you know, we've got that.  
15 There's some testimony on cross-training that's going to go in,  
16 and then there's quite a bit of testimony on, you know,  
17 essentially, safety. It's going to be related to the manual  
18 versus mail election ballot that's going to go in. I'm going  
19 to discuss a little bit with peak about him -- with him about  
20 peak, and then there's going to be a little bit of discussion  
21 about seasonal -- further discussion of seasonal associates.  
22 So it's not -- I mean, we're not, like, an hour out -- your --  
23 if that's what your question is.

24 HEARING OFFICER MEYERS: How many hours out are we?

25 MR. JOHNSON: I would say it could be two and a half.

1           HEARING OFFICER MEYERS: Okay. With that, with -- with  
2 the knowledge the -- Mr. Maynard is going to have to come back  
3 and testify, hopefully Monday, and then cross-examination, I  
4 would urge you to -- to get the documents that were subpoenaed  
5 to the Petitioners before Monday so that they can prepare in  
6 advance for cross-examination. You already have a lot of  
7 material, obviously. I'll give you time to prepare for the  
8 additional testimony we'll be receiving.

9           We can take a break and resume and do another 45 minutes,  
10 an hour of testimony, but I'm not sure -- I mean, is this a  
11 good breaking place? Do you want to continue?

12           I'll defer to you, Mr. Johnson, since he's your witness.

13           MR. JOHNSON: Well, look, I mean, again, end of the day,  
14 it sort of makes sense because I'm -- you know, otherwise  
15 everybody's going to get cranky and -- and so on and so forth,  
16 and we still want to get to the stipulation discussion.

17           HEARING OFFICER MEYERS: Right.

18           MR. JOHNSON: We need a break here, go off the record or  
19 on the record, and have that discussion, maybe agree to a  
20 stipulation today on the numbers, and there we are, and I can  
21 pick up with Mr. Maynard on Monday, and then that's give the  
22 Petitioner's counsel plenty of time for cross-examination.

23           HEARING OFFICER MEYERS: All right, with that said, why  
24 don't we -- Mr. Maynard, I'm going to temporarily release you,  
25 which means you are going to be recalled. You remain under

1 oath so would encourage you not to discuss your testimony, and  
2 we will resume with you and your scintillating testimony on the  
3 operations on Monday, hopefully, assuming we have a budget.  
4 You will know, I'm sure, as early as I will know if we don't  
5 have a budget, but we are going to be sending out the link so  
6 that everybody can -- can log in with the assumption that we  
7 will be operational.

8 That said, you're released subject to recall -- or you  
9 will be recalled, not just subject to recall, and we're going  
10 to go off the record and discuss the Exhibit 2, and I think I  
11 forgot to put in Board's Exhibit 7, which was the information  
12 relevant to bes -- whatever county Bessemer's in -- I think  
13 it's Jefferson County -- which was Board's Exhibit 7, which was  
14 part of the package, and I think I just forgot to put that in.

15 Is that correct, Madam Court Reporter? Did I enter  
16 Board's Exhibit 7?

17 THE COURT REPORTER: Yes, you did. You admitted 1 through  
18 11, Employer's.

19 HEARING OFFICER MEYERS: Employer's, but I'm asking about  
20 Board's Exhibits --

21 THE COURT REPORTER: Oh, Board Exhibit --

22 HEARING OFFICER MEYERS: -- 1 through 7. Yeah, I don't  
23 think I got to 7. I think I skipped 7.

24 THE COURT REPORTER: Oh, you're correct. Yes, you're  
25 correct. You did not do 7 --

1 HEARING OFFICER MEYERS: Okay, so --

2 THE COURT REPORTER: -- on Board.

3 HEARING OFFICER MEYERS: -- let's go off the record  
4 briefly and discuss the Board Exhibit 2, the stipulation, and  
5 the admission of 7. 7 -- off the record.  
6 (Off the record at 5:05 p.m.

7 HEARING OFFICER MEYERS: In an off the record discussion,  
8 the parties have reached tentative resolution on Board Exhibit  
9 2 that will be submitted by Monday.

10 We have agreed to resume this elect -- or this pre-  
11 election hearing at 11 a.m. Eastern Standard Time, 8 a.m.  
12 Pacific Standard Time on Monday, December 20 -- 21st, 2020. We  
13 will continue at that time until the parties have had enough,  
14 and we conclude that afternoon, and I will let you know that  
15 afternoon whether or not we will continue on Tuesday.

16 In addition, I wanted to make -- I've also realized that  
17 we did not admit Board's Exhibit Number 7.

18 Does the Employer have any objection to Board Exhibit 7?

19 MR. JOHNSON: No objection to Board Exhibit 7.

20 HEARING OFFICER MEYERS: And does the Petitioner have any  
21 exhibit -- any objection to Board Exhibit 7?

22 MR. DAVIES: Yes, no objection.

23 HEARING OFFICER MEYERS: All right. I -- Board Exhibit 7  
24 is admitted into the record.

25 **(Board Exhibit Number 7 Received into Evidence)**

1           HEARING OFFICER MEYERS: We will postpone or we will -- we  
2 will close the hearing until 11:00 a.m. Eastern Standard Time.  
3 Thank you all for your cooperation, and I'll see you on Monday.

4           MR. DAVIES: Thank you.

5           MR. JOHNSON: Thank you.

6           **(Whereupon, the hearing in the above-entitled matter was**  
7 **recessed at 5:31 p.m. until Monday, December 21, 2020 at 11:00**  
8 **a.m.)**

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 10, Case Number 10-RC-2692, Amazon.com Services LLC and Retail, Wholesale and Department Store Union, at the Region 10, 233 Peachtree Street, N.E., Harris Tower Suite 1000, Atlanta, Georgia 30303-1531, on December 18, 2020, at 11:26 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



---

DONNA BOARDMAN  
Official Reporter

OFFICIAL REPORT OF PROCEEDINGS  
BEFORE THE  
NATIONAL LABOR RELATIONS BOARD  
REGION 10

In the Matter of:

Amazon.com Services LLC, Case No. 10-RC-269250

Employer,

and

Retail, Wholesale and  
Department Store Union,

Petitioner.

---

---

Place: Atlanta, Georgia (via Zoom Videoconference)

Dates: December 21, 2020

Pages: 174 Through 182

Volume: 2

OFFICIAL REPORTERS  
eScribers, LLC  
E-Reporting and E-Transcription  
7227 North 16th Street, Suite 207  
Phoenix, AZ 85020  
(602) 263-0885



UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 10

In the Matter of:

AMAZON.COM SERVICES LLC,

Employer,

and

RETAIL, WHOLESALE AND  
DEPARTMENT STORE UNION,

Petitioner.

Case No. 10-RC-269250

The above-entitled matter came on for hearing via Zoom videoconference, pursuant to notice, before **KERSTIN MEYERS**, Hearing Officer, at the National Labor Relations Board, Region 10, 233 Peachtree Street, N.E., Harris Tower Suite 1000, Atlanta, Georgia 30303-1531, on **Monday, December 21, 2020, 11:03 a.m.**





A P P E A R A N C E S

**On behalf of the Employer:**

**HARRY I. JOHNSON, III, ESQ.**  
**NICOLE A. BUFFALANO, ESQ.**  
**GEOFFREY J. ROSENTHAL, ESQ.**  
MORGAN, LEWIS & BOCKIUS, LLP  
2049 Century Park E., Suite 700  
Los Angeles, CA 90067-3109  
Tel. (310)255-9005  
Fax. (310)463-0939

**On behalf of the Petitioner/Union:**

**GEORGE N. DAVIES, ESQ.**  
**RICHARD P. ROUCO, ESQ.**  
QUINN, CONNER, WEAVER, DAVIES AND ROUCO, LLP  
2-20th Street, North, Suite 930  
Birmingham, AL 35203-4014  
Tel. (205)870-9989

**JOSH BREWER**  
RETAIL, WHOLESALE, AND DEPARTMENT STORE, LOCAL 932  
1901 10th Avenue, South  
Birmingham, AL 35205-2601  
Tel. (205)322-7462

E X H I B I T SEXHIBITIDENTIFIEDIN EVIDENCE**Board:**

B-2

177

178

P R O C E E D I N G S

HEARING OFFICER MEYERS: Greetings to the public. This is a public hearing. However, I am asking that all nonparties turn off their -- or turn off the -- mute themselves and turn off their audio portion so that we can maintain a flowing hearing in this matter, and there is no interference with our bandwidth. If you do take yourself off mute, we will remind you once, and then I will remove you from the hearing. But everybody's been excellent so far. So I look forward to the continued cooperation of our nonparty participants.

With that said, I'm going to turn over the floor to Mr. Johnson.

Mr. Maynard, you are still under oath from Friday. Just a reminder. And you guys can proceed.

MR. JOHNSON: Just a point of clarification, Madam Hearing Officer. Are we going to wait for our break to put in Board Exhibit 2, the stipulation?

HEARING OFFICER MEYERS: Oh, thank you. Yes. I've forgotten. We -- we have previously distributed -- and Kami, you sent that to the court reporter also, right?

The parties have executed Board Exhibit 2. I have admitted -- or I have received it into evidence as Board's Exhibit 2. Is there any objection from the Employer, Mr. Johnson?

MR. JOHNSON: No, Madam Hearing Officer.

1 HEARING OFFICER MEYERS: And from the Union, Mr. Davies?

2 MR. DAVIES: No, Madam Hearing Officer.

3 HEARING OFFICER MEYERS: Excellent. Then Board's Exhibit  
4 2 is now admitted.

5 **(Board Exhibit Number 2 Received into Evidence)**

6 MR. ROUCO: Ms. Hearing Officer, may I have -- may -- I  
7 hate to interrupt before Mr. Johnson starts. But may I have  
8 two minutes to consult with my partner, George Davies?

9 HEARING OFFICER MEYERS: Yes. Absolutely. Guys, I'm  
10 sorry. I should have opened the floor and asked if there were  
11 any other questions or concerns before we went on the record  
12 and -- and started with the witness. But yes, you can take two  
13 minutes.

14 MR. ROUCO: All right. We'll be right back.

15 (Off the record at 11:05 a.m.)

16 HEARING OFFICER MEYERS: In an off-the-record discussion,  
17 the parties have been able to resolve some issues related to  
18 the hearing, but were unable to reach an overall stipulation.  
19 It is my understanding that at this point, the Petitioner is  
20 willing to stipulate that the seasonal employees, the seasonal  
21 fulfillment associates whose number is in --

22 MR. DAVIES: Board Exhibit 2 at 769.

23 HEARING OFFICER MEYERS: -- Board Exhibit 2, 769. Is the  
24 Petitioner willing to stipulate that those employees should be  
25 included in the -- in an appropriate unit?

1 MR. DAVIES: Yes.

2 HEARING OFFICER MEYERS: All right. Thank you, Mr.  
3 Davies.

4 Any objection to the receipt of that stipulation, Mr.  
5 Johnson?

6 MR. JOHNSON: No objection. Just for clarification, they  
7 are called seasonal associates and seasonal fulfillment  
8 associates --

9 HEARING OFFICER MEYERS: Okay.

10 MR. JOHNSON: -- in common (indiscernible) at -- at the  
11 facility.

12 HEARING OFFICER MEYERS: Okay. And in addition -- I have  
13 now forgotten what the other stipulation was. Oh, the parties  
14 have also been able to stipulate that the appropriate formula  
15 for determining eligibility will be that commonly used by the  
16 Board, referred to as the Davison-Paxton formula for  
17 determining eligibility. Is the Petitioner willing to  
18 stipulate that Davison-Paxon is the appropriate formula for  
19 determining eligibility in this election?

20 MR. DAVIES: Yes -- yes, Madam Hearing Officer. But I do  
21 think that that reduces the number of regular flex time  
22 employees in 1D of the stipulation that we entered into earlier  
23 today.

24 HEARING OFFICER MEYERS: Okay. The -- when you say 1D,  
25 you are referring to --

1 MR. DAVIES: I'm sorry. Paragraph 7, subsection 1D.

2 HEARING OFFICER MEYERS: Okay. Subsection 1D. And that's  
3 where the Employer has represented that number of employees.  
4 But obviously, we don't know whether that is -- was the  
5 application of Davison-Paxon. All I am asking for is a  
6 stipulation that Davison-Paxon is the appropriate eligibility  
7 formula.

8 MR. DAVIES: Yes.

9 HEARING OFFICER MEYERS: Is the Petitioner willing to so  
10 stipulate?

11 MR. DAVIES: Yes.

12 HEARING OFFICER MEYERS: And is the Employer willing to so  
13 stipulate, Mr. Johnson?

14 MR. JOHNSON: Yes, Madam Hearing Officer.

15 HEARING OFFICER MEYERS: All right. And with that said,  
16 have the -- I don't believe that the parties are in a position  
17 to further stipulate at this time. If the parties, overnight,  
18 could come up with a list of the actual classifications that  
19 are not in dispute so that we can put in the record that they  
20 are included. And then it's my understanding that certain --  
21 certain classifications are subject to -- the Petitioner  
22 believes may be 211 supervisors, or otherwise excluded from the  
23 unit. Because the Petitioner is attempting to exclude them, it  
24 will be their burden. So I am going to ask them to present  
25 evidence tomorrow.

1           And the Employer, who wants to go manual, despite the fact  
2           that the Bessemer -- Jefferson County -- I think it's Jefferson  
3           County statistics show a 14.9 percent rate of infection for  
4           COVID. I am going to have the Employer present evidence on  
5           manual. I'm going to say it would be their burden to establish  
6           that a manual is appropriate, notwithstanding the fact that  
7           (audio interference).

8           With that said, in an off-the-record discussion, all the  
9           parties are (audio interference) this hearing tomorrow at noon.  
10          We will be off the record until noon tomorrow. Thank you. And  
11          I will see everybody tomorrow.

12          **(Whereupon, the hearing in the above-entitled matter was**  
13          **recessed at 5:31 p.m. until Tuesday, December 22, 2020 at 12:00**  
14          **p.m.)**

15

16

17

18

19

20

21

22

23

24

25



C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 10, Case Number 10-RC-2692, Amazon.com Services LLC and Retail, Wholesale and Department Store Union, at the Region 10, 233 Peachtree Street, N.E., Harris Tower Suite 1000, Atlanta, Georgia 30303-1531, on December 21, 2020, at 11:03 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



---

DONNA BOARDMAN  
Official Reporter



OFFICIAL REPORT OF PROCEEDINGS  
BEFORE THE  
NATIONAL LABOR RELATIONS BOARD  
REGION 10

In the Matter of:

Amazon.com Services LLC, Case No. 10-RC-269250

Employer,

and

Retail, Wholesale and  
Department Store Union,

Petitioner.

---

---

Place: Atlanta, Georgia (via Zoom Videoconference)

Dates: December 22, 2020

Pages: 183 Through 199

Volume: 3

OFFICIAL REPORTERS  
eScribers, LLC  
E-Reporting and E-Transcription  
7227 North 16th Street, Suite 207  
Phoenix, AZ 85020  
(602) 263-0885



UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 10

In the Matter of:

AMAZON.COM SERVICES LLC,

Employer,

and

RETAIL, WHOLESALE AND  
DEPARTMENT STORE UNION,

Petitioner.

Case No. 10-RC-269250

The above-entitled matter came on for hearing via Zoom videoconference, pursuant to notice, before **KERSTIN MEYERS**, Hearing Officer, at the National Labor Relations Board, Region 10, 233 Peachtree Street N.E., Harris Tower Suite 1000, Atlanta, Georgia 30303-1531, on **Tuesday, December 22, 2020, 2:22 p.m.**



A P P E A R A N C E S

**On behalf of the Employer:**

**HARRY I. JOHNSON, ESQ.**  
**NICOLE A. BUFFALANO, ESQ.**  
**GEOFFREY J. ROSENTHAL, ESQ**  
MORGAN, LEWIS & BOCKIUS LLP  
2049 Century Park E., Ste. 700  
Los Angeles, CA 90067-3109  
Tel. (310)255-9005  
Fax. (310)907-1001

**On behalf of the Petitioner/Union**

**GEORGE N. DAVIES, ESQ.**  
**RICHARD P. ROUCO, ESQ.**  
QUINN, CONNER, WEAVER, DAVIES AND ROUCO LLP  
2-20th St. N. Ste 930  
Birmingham, AL 35203-4014  
Tel. (205)870-9989  
Fax. (404)299-1288

**JOSH BREWER**  
RETAIL, WHOLESALE, AND DEPARTMENT STORE, LOCAL 932  
1901 10th Avenue, South  
Birmingham, AL 35205-2601  
Tel. (205)322-7462

P R O C E E D I N G S

HEARING OFFICER MEYERS: We are reconvening the hearing in Amazon.com LLC 10-RC-269250.

In an off-the-record discussion, the Petitioner has agreed to the inclusion of several classifications. I will read into the record the classifications that will be included per the position statement of the Employer. I believe this will resolve the outstanding issues.

Okay, per that stipulation, the Petitioner has agreed that an appropriate unit for collective bargaining purposes within the meaning of section 9(b) of the Act should include all hourly full-time and regular part-time fulfillment associates; seasonal employees; lead fulfillment associates; process assistants; learning coordinators; learning trainers; amnesty trainers; pit trainers -- that's P-I-T trainers, capital P, capital I, capital T trainers; capital A, capital R, AR quarterbacks; interior handlers; hazardous waste coordinators; sortation -- sortation associates; capital W, capital H, capital S specialists; onsite medical representatives; data analysts; dock clerks; transportation associates; interim transportation associates; transportation operations management support specialists; field transportation leads; seasonal learning trainer; seasonal safety coordinator; seasonal process assistants; and warehouse associates (temporary).

Excluded would be all truck drivers, office clerical



1 employees, professional employees, managerial employees,  
2 engineering employees, maintenance employees, robotics  
3 employees, information technology employees, loss prevention  
4 specialists, guards, and supervisors as defined by the Act.

5 Does the Petitioner so agree that those classification are  
6 included or excluded as stated?

7 MR. DAVIES: Yes. We -- we agree.

8 HEARING OFFICER MEYERS: All right. And have we -- was  
9 the Employer able to determine the payroll period ending dates?  
10 I believe it's Saturday --

11 MR. JOHNSON: Yes, I can give you --

12 HEARING OFFICER MEYERS: -- now that I look at this.

13 MR. JOHNSON: Yes, Madam Hearing Officer. I can give you  
14 a list of that. Just so I'm clear on the record, we did  
15 include seasonal fulfillment associates, otherwise known as  
16 seasonal associate, as an included classification, correct?

17 HEARING OFFICER MEYERS: Regular full-time associates,  
18 seasonal employees -- should that be seasonal fulfillment  
19 associates?

20 MR. JOHNSON: Yes.

21 HEARING OFFICER MEYERS: I guess I'd changed that. I'm  
22 sorry. So after hourly -- all hourly full-time and regular  
23 part-time fulfillments associates, that should be seasonal  
24 fulfillment associates?

25 MR. JOHNSON: Correct.

1 MR. DAVIES: Madam Hearing Officer, we're -- we're in  
2 agreement that temporary agency employees are not included in  
3 the unit.

4 HEARING OFFICER MEYERS: Okay, I don't -- I don't believe  
5 that that was covered by your petition, and I don't that the  
6 Employer has -- has looked to include them, so that said,  
7 the -- can the Employer so stipulates that temporary employees  
8 employed by temporary services are not included in the unit?

9 MR. JOHNSON: So stipulated. I agree.

10 HEARING OFFICER MEYERS: Okay. And in addition, the  
11 parties, in an off-the-record discussion, the Union -- or the  
12 Petitioner has agreed that the appropriate standard for  
13 determining eligibility will be the Davison-Paxon, so in  
14 addition to the -- to the language previously read, the  
15 appropriate unit language would also include a line that states  
16 "also eligible to vote are all employees in the unit who have  
17 worked an average of four hours or more per week during the 13  
18 weeks immediately preceding the eligibility date for the  
19 election."

20 Can the Petitioner so stipulate?

21 MR. DAVIES: Yes, we can so stipulate.

22 HEARING OFFICER MEYERS: And Mr. Johnson, would you so  
23 stipulate that the Davison-Paxon formula is the correct  
24 formula?

25 MR. JOHNSON: We can stipulate to the formula. One

1 clarification is that if someone hasn't been there the full 13  
2 weeks, you actually use how many weeks they have been there for  
3 the average.

4 HEARING OFFICER MEYERS: Okay. And that -- that is part  
5 of the Davison-Paxon formula. So that said, that's -- the --  
6 the language is what we've generally put in, but you are  
7 correct. If they have not been there the full 13 weeks, it is  
8 based on the period that they have been there.

9 So I believe that that resolves all of the bargaining unit  
10 issues. The only issue that remains to be resolved is whether  
11 or not this will be a mail-ballot or manual election.

12 MR. ROUCO: All right, Kristen, can I -- can I just  
13 interrupt a second here, Madam Hearing Officer? I think -- I  
14 assume that -- and I -- I'm not sure. I might have missed  
15 this -- that the Employer also agrees that this is --  
16 stipulates or agrees that this is an appropriate unit, right?  
17 Because the way it was read, it was that the -- the Union --  
18 the -- it's -- the Petitioner thinks it's an appropriate unit.  
19 Does the Employer also agree that this is an appropriate unit?

20 HEARING OFFICER MEYERS: But -- Mr. Johnson, would the  
21 Employer stipulate that the unit as read would be an  
22 appropriate unit as enforced in the Employer's position  
23 statement submitted in advance of this hearing?

24 MR. JOHNSON: Yes. I mean, in essence, all the job  
25 classifications that we wanted in the unit and included or

1 excluded have been included or excluded, so we believe it is an  
2 appropriate unit.

3 That -- just further clarification, we understand seasonal  
4 fulfillments associates are in the unit per what the Hearing  
5 Officer has -- has represented.

6 HEARING OFFICER MEYERS: Yes. So the only -- the only  
7 remaining issue before me would be whether or not this is a  
8 mail or manual election.

9 In an off-the-record discussion, the parties have had  
10 extensive conversations with regards to the Board's recent  
11 decision in Aspirus Keweenaw and Michigan Nurses Association,  
12 379 NLRB No. 45, a November 9th, 2020 decision by the Board  
13 with regards to mail ballot, at the Regional Director's  
14 discretion to order mail-ballot election during the COVID-19  
15 pandemic. The Employer has been directed to make an offer of  
16 proof in writing.

17 In the off-the-record discussion, based on length of the  
18 proffer, the Employer has asked for more time. I have agreed  
19 to provide them until the -- did we say the 28th, Mr. Johnson?

20 MR. JOHNSON: Yes. Yes, Madam Hearing Officer. The 28th.

21 HEARING OFFICER MEYERS: Okay. They agreed to finalize  
22 and submit all materials in their offer of proof by the 28th.  
23 In order to submit any rebuttal evidence, the Petitioner will  
24 be granted until the 31st. The parties understand that the due  
25 dates for briefs will be January 7th -- there will be no



1 further extensions -- and that the agreement to allow the  
2 agreement to allow the offer of proof to be submitted after the  
3 close of the hearing that I will leave open only for the  
4 receipt of the offer of proof and the rebuttal offer of proof.  
5 Otherwise, the hearing will be closed, and the briefs will be  
6 due on the 7th.

7 I am going to allow the parties to make a statement on the  
8 record and express their positions with regards to the offer of  
9 proof and whether or not they present evidence, but you will  
10 also be able to brief that.

11 With that said, I am going to ask the Employer if they  
12 have a statement of position with regards to my decision to  
13 accept only an offer of proof and deny your request to present  
14 witness testimony with regards to whether or not this should be  
15 a mail-ballot or a manual election --

16 MR. JOHNSON: We do have such a state --

17 HEARING OFFICER MEYERS: -- Mr. Johnson?

18 MR. JOHNSON: Thank you, Madam Hearing Officer. We do  
19 have such a statement, but just as a matter of clarification,  
20 it's close of business Pacific Time on the 28th, right? 5 p.m.  
21 Pacific Time on the 28th?

22 HEARING OFFICER MEYERS: I -- yes, we can do -- we can do  
23 close of -- let's do end of -- the end of -- of the day, 11:59  
24 on the 28th. You can file that electronically in the case  
25 file. I think --

1 MR. JOHNSON: All right.

2 HEARING OFFICER MEYERS: I'm not sure how it's filed with  
3 the court reporting service. We can find that our off the  
4 record, but for purposes of -- make sure it's served on the  
5 Petitioner and filed with the region office in the case file  
6 through the ECF methods.

7 MR. DAVIES: (Simultaneous speech)

8 MR. JOHNSON: All right, 11:59 p.m., then.

9 MR. DAVIES: Madam Hearing Officer, then I --

10 HEARING OFFICER MEYERS: Eastern Standard Time.

11 MR. JOHNSON: All right.

12 HEARING OFFICER MEYERS: Eastern Standard Time.

13 MR. DAVIES: Madam Hearing Officer, then I assume that we  
14 would have the same filing deadline protocol?

15 HEARING OFFICER MEYERS: Deadline? Yes, sir. Yes, sir.  
16 The --

17 MR. DAVIES: That'd be nice.

18 HEARING OFFICER MEYERS: -- Petitioner also will have  
19 until midnight on the -- on the 31st to file their rebuttal  
20 offer of proof. That said --

21 MR. DAVIES: Just before the ball drops.

22 HEARING OFFICER MEYERS: That said, Mr. Johnson, would you  
23 like to make an -- I'm sorry.

24 MR. DAVIES: Just before the ball drops.

25 HEARING OFFICER MEYERS: Just before the -- just -- you



1 can always submit it early.

2 MR. DAVIES: Right. No, I'm going to be right up to the  
3 minute. Anyway, no, thank you. Thank you.

4 HEARING OFFICER MEYERS: Mr. -- Mr. Johnson, would you  
5 like to make a statement on the record?

6 MR. JOHNSON: Yes, I would. Thanks for the opportunity,  
7 Madam Hearing Officer.

8 We appreciate and understand the Region's ruling on this.  
9 To be clear that we object, we would have prevented --  
10 preferred to present live witness testimony. We had three  
11 witnesses lined up with exhibits that would have provided a  
12 fulsome account of anything and everything we believe that  
13 would be needed to make a mail-versus-manual-ballot  
14 determination under the standards enunciated in Aspirus, and  
15 generally, the mail and manual ballot cases in GC memoranda.

16 However, we're restricted to this offer of proof, so you  
17 know, again, we would object to the lack witnesses. We would  
18 object the time frame, in terms of how, you know, quick it was,  
19 but we understand the ruling. We do appreciate that we can at  
20 least have until Monday.

21 In terms of all arguments, we would reserve all of them  
22 for the post-hearing brief, and -- and that includes Aspirus-  
23 based arguments, general mail-versus-manual-election arguments,  
24 and all of that. Just so the parties understand and the  
25 Hearing Officer understands, we're reserving all -- all of

1 those arguments.

2 HEARING OFFICER MEYERS: And does the Petitioner wish --  
3 wish to make a statement on the record --

4 MR. ROUCO: Yes. I --

5 HEARING OFFICER MEYERS: -- with regards to either --  
6 either the mail-ballot-manual as -- or a closing or legal  
7 argument, which would also be with regards to mail versus  
8 manual?

9 MR. ROUCO: Well, we'll make -- I -- I'd like to make a  
10 brief statement on this issue, specifically on the question  
11 of -- the -- the objection that the Employer, Amazon, makes  
12 with respect to not being allowed to put on live witnesses.

13 As I understand it, they're -- they are being allowed to  
14 submit declarations, which effectively becomes written  
15 testimony that they could submit as part of their offer of  
16 proof, which sort of expands the concept of what an offer of  
17 proof is, because by submitting written declarations, you're  
18 actually submitting foreign testimony.

19 I don't think that they're entitled to have live witnesses  
20 or to have a full hearing on a question that's still  
21 nonlitigable. As -- as we noted, Aspirus -- I think it's  
22 footnote 3 of Aspirus -- the Board has not changed the rule  
23 that these are nonlitigable issues. And in the Aspirus  
24 discussion, the Board laid out the conditions under which a  
25 Regional Director would not be abusing their discretion in

1 ordering a mail-ballot election.

2 Now, I know Amazon thinks it has special rules or that it  
3 can create itself a bubble or rent hotels or -- or do a bunch  
4 of other things in order to -- to contain the virus, but that's  
5 not the standard. The standard set out in Aspirus is, is there  
6 is 14 -- 14-day increasing number of cases, or is there more --  
7 is there a five percent positivity rate or higher in -- in the  
8 applicable jurisdiction, which in this case is Jefferson  
9 County.

10 So we think, frankly, that the -- that there's enough  
11 evidence already in the record for the Regional Director to  
12 make her decision and to order a mail-ballot election if she  
13 finds that it's appropriate and that the conditions that are  
14 set out in the Aspirus decision are satisfied.

15 MR. JOHNSON: Can I have 60 seconds to respond?

16 HEARING OFFICER MEYERS: Were you finished, Mr. Rouco?

17 MR. ROUCO: I'm done.

18 HEARING OFFICER MEYERS: He's done.

19 Yeah, Mr. Johnson, give a -- give us a rebuttal here.

20 MR. JOHNSON: Right, I -- I don't want to belabor this too  
21 long, and -- and I think counsel for the Petitioner laid out  
22 their argument very ably. But just to expand, so the record's  
23 clear on argument, really, as to Aspirus, there actually are a  
24 number of litigable issues related to Aspirus standards.  
25 They're not set in such specific terms that they're completely

1 clear.

2 We disagree that Aspirus provides for solely a political  
3 jurisdiction be the relevant geographic area. In fact, it says  
4 we're -- we're supposed to go off to the best available  
5 geographic statistical measure, and the Employer's free to  
6 argue a different geographical measure and present that data.  
7 So that is something that we'll be talking about in our brief,  
8 and it's completely proper to use it.

9 HEARING OFFICER MEYERS: So with the understanding that  
10 Aspirus says if -- in the decision itself that one or more of  
11 these situations are present that will normally suggest the  
12 propriety of using mail ballots under the extraordinary  
13 circumstances presented by this pandemic, and one of those  
14 situations being -- two, either the 14-day trend and the number  
15 of new confirmed cases of COVID-19 in the county where the  
16 facility is locate -- is located is increasing, or the 14-day  
17 testing positivity rate in the county where the facility is  
18 located is five percent or higher.

19 Again, as I've explained, the Regional Director is relying  
20 on that language and has required an offer of proof. We will  
21 look forward to receiving that no later than -- I should've  
22 written this all down -- the 28th -- oh, and receiving the  
23 Petitioner's no later than the 31st.

24 Is there anything else that needs to be discussed before  
25 we close the record?

1 MR. JOHNSON: I thought you wanted pay dates.

2 HEARING OFFICER MEYERS: I'm sorry. Do I want --

3 MR. JOHNSON: I thought you wanted pay --

4 HEARING OFFICER MEYERS: What days?

5 MR. JOHNSON: Yeah, I though the Hearing Officer --

6 HEARING OFFICER MEYERS: Pay dates. Yes, oh, I'm sorry.

7 You were supposed to get those for me, yes. The pay period for  
8 eligibility would be --

9 MR. JOHNSON: Well, let me give you a number of pay  
10 periods, because we don't know when there'll be a decision and  
11 direction of election, just so you --

12 HEARING OFFICER MEYERS: Right.

13 MR. JOHNSON: -- have that. All right?

14 HEARING OFFICER MEYERS: Well, does it end every Saturday?  
15 It's a one-week pay period, yes?

16 MR. JOHNSON: It appears to, but the holidays, you know,  
17 knock a few dates around, so can I just tell you the pay  
18 period --

19 HEARING OFFICER MEYERS: Okay.

20 MR. JOHNSON: -- and I mean, what -- okay. So let's start  
21 with what would cover the pay period ending 12/26, the pay date  
22 would be 12/31. That's 2020.

23 HEARING OFFICER MEYERS: But the --

24 MR. JOHNSON: Then --

25 HEARING OFFICER MEYERS: -- pay period ending date is what

1 I'm --

2 MR. JOHNSON: Yeah, the pay period end --

3 HEARING OFFICER MEYERS: I don't need the pay date.

4 MR. JOHNSON: Oh, okay. So the pay period that -- okay.

5 So the last pay period ending date before today was December  
6 19th. The one after that will be December 26th. The one after  
7 that would --

8 HEARING OFFICER MEYERS: And it's every Saturday  
9 thereafter, right?

10 MR. JOHNSON: Roughly. I mean, I haven't calculated these  
11 out. The only times as we go in the record, so you'll have  
12 them.

13 HEARING OFFICER MEYERS: Okay.

14 MR. JOHNSON: The pay period -- there's a pay period  
15 ending January 2. There's a pay period ending January 9.  
16 There's a pay period ending January 16. There's a pay period  
17 ending January 23rd, and there's a pay period ending January  
18 30th. And the pay period generally ends on a Saturday. You  
19 are correct.

20 HEARING OFFICER MEYERS: Okay. So we can -- we will  
21 deal -- we'll figure out the pay period immediately preceding  
22 the issuance of the decision and direction of election -- that  
23 would be in decision and direction of election.

24 And again, the drop-dead date, no-extensions-to-be-made  
25 date for all briefs will be January 7th, 2021, no later than 12



1 p.m. (sic) midnight Eastern Standard Time. Those will be filed  
2 electronically through the electronic case filing system of the  
3 Board.

4 Any other questions before I close the record? Nope.

5 MR. JOHNSON: From us, not -- no -- for --

6 HEARING OFFICER MEYERS: You -- anything --

7 MR. DAVIES: Not from the --

8 HEARING OFFICER MEYERS: -- from the Petitioner?

9 MR. DAVIES: Not from the Petitioner.

10 HEARING OFFICER MEYERS: All right. Thank you all for  
11 your cooperation throughout this. I appreciate it. And thank  
12 you to all of our muted and nonvideo participants. Your time  
13 and energies -- or the parties' times -- time and energy was  
14 well spent, and I appreciate your cooperation.

15 And at this point, we will close the record in this  
16 hearing, subject to receipt of the two items, the Employer's  
17 offer of proof and the Petitioner's rebuttal on the dates  
18 provided. And the record is closed.

19 **(Whereupon, the hearing in the above-entitled matter was closed**  
20 **at 2:41 p.m.)**

21

22

23

24

25

C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 10, Case Number 10-RC-2692, Amazon.com Services LLC and Retail, Wholesale and Department Store Union, at the Region 10, 233 Peachtree Street, N.E., Harris Tower Suite 1000, Atlanta, Georgia 30303-1531, on December 21, 2020, on December 22, 2020, at 2:22 p.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



---

DONNA BOARDMAN  
Official Reporter